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SECTION 3

Iddah (Waiting Period)

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HADITH COMPILED BY

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Section 3

Iddah (Waiting Period)

CHAPTER 1

The Divorced Woman Who Has Not Been Consummated With Has No Waiting Period, And She May Marry Immediately, And There Is No Right Of Return For Her Husband

[Hadith 28313 to 28320]

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Hadith 28313

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال: العدة من الماء.

From Muhammad ibn Muslim, from one of the two (peace be upon them), who said: The waiting period is from the water (i.e., sexual intercourse).

Hadith 28314

عن زرارة، عن أحدهما (عليهما السلام) في رجل تزوج امرأة بكراً، ثمّ طلقها قبل أن يدخل بها ثلاث تطليقات، كل شهر تطليقة، قال: بانت منه في التطليقة الأوّلى، واثنتان فضل، وهو خاطب، يتزوّجها متى شاءت وشاء بمهر جديد.

From Zurarah, from one of the two (peace be upon them) regarding a man who married a virgin woman, then divorced her before consummating the marriage with three divorces, one divorce each month. He said: She became irrevocably separated from him with the first divorce, and the other two were excessive, and he is now a suitor who may marry her whenever she wishes and he wishes with a new dower.

قيل له: فله أن يراجعها، إذا طلقها تطليقة قبل أن تمضي ثلاثة أشهر؟ قال: لا، إنّما كان يكون له أن يراجعها، لو كان دخل بها أولا، فأما قبل أن يدخل بها فلا رجعة له عليها، قد بانت منه ساعة طلقها.

It was said to him: Does he have the right to take her back when he divorced her once before three months pass? He said: No, he would only have had the right to take her back if he had consummated the marriage with her first. But before consummating the marriage with her, he has no right of return over her - she became irrevocably separated from him the moment he divorced her.

Hadith 28315

عن أبي بصير، عن أبي عبدالله (عليه السلام) قال: إذا طلق الرجل امرأته قبل أن يدخل بها تطليقة واحدة، فقد بانت منه وتزوج من ساعتها إن شاءت.

From Abu Basir, from Abu Abdullah (peace be upon him) who said: When a man divorces his wife

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before consummating the marriage with her with one divorce, she becomes irrevocably separated from him and may marry from that very moment if she wishes.

Hadith 28316

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: إذا طلق الرجل امرأته قبل أن يدخل بها، فليس عليها عدة تزوج من ساعتها إن شاءت، وتبينها تطليقة واحدة، وإن كان فرض لها مهرا فنصف ما فرض.

From al-Halabi, from Abu Abdullah (peace be upon him) who said: When a man divorces his wife before consummating the marriage with her, there is no waiting period incumbent upon her. She may marry from that very moment if she wishes, and one divorce makes her irrevocably separated from him. And if he had stipulated a dower for her, then she receives half of what was stipulated.

Hadith 28317

عن جميل، عن بعض أصحابنا، (عن أبي عبدالله (عليه السلام))، قال: إذا طلقت المرأة التي لم يدخل بها، بانت منه بتطليقة واحدة.

From Jamil, from some of our companions, from Abu Abdullah (peace be upon him) who said: When a woman who has not been consummated with is divorced, she becomes irrevocably separated from him with one divorce.

Hadith 28318

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: سألته عن الرجل إذا طلّق امرأته، ولم يدخل بها فقال: قد بانت منه، وتزوج إن شاءت من ساعتها.

From Abu Basir, from Abu Abdullah (peace be upon him), he said: I asked him about a man who divorces his wife before consummating the marriage with her. He said: She has become separated from him, and she may marry whomever she wishes from that very hour.

Hadith 28319

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: إذا تزوج الرجل المرأة، فطلّقها قبل أن يدخل بها، فليس له عليها عدة، وتزوج من شاءت من ساعتها، وتبينها تطليقة واحدة.

From Abu Basir, from Abu Abdullah (peace be upon him), he said: When a man marries a woman and then divorces her before consummating the marriage with her, there is no waiting period (iddah) required of her, and she may marry whomever she wishes from that very hour, and one divorce separates her from him.

Hadith 28320

عن أبي الصباح الكناني، عن أبي عبدالله (عليه السلام)، قال: إذا طلق الرجل امرأته قبل أن يدخل بها فلها نصف مهرها، إلى أن قال ـ: وليس لها عدّة، تتزوج من ساعتها.

From Abu al-Sabah al-Kinani, from Abu Abdullah (peace be upon him), he said: When a man

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divorces his wife before consummating the marriage with her, she is entitled to half of her dower (mahr) - until he said: and there is no waiting period for her, she may marry from that very hour.

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CHAPTER 2

If A Young Girl Before Reaching Nine Years Of Age Is Divorced, There Is No Waiting Period (Iddah) Upon Her, Even If The Marriage Was Consummated, And Her Husband Has No Right Of Return (Raj'ah), And She May Marry Immediately

[Hadith 28321 to 28329]

Hadith 28321

عن حماد بن عثمان، عن أبي عبدالله (عليه السلام)، قال: سألته عن التي قد يئست من المحيض، والتي لا يحيض مثلها، قال: ليس عليها عدة.

From Hammad ibn Uthman, from Abu Abdullah (peace be upon him), he said: I asked him about the woman who has despaired of menstruation and the one who is not of an age to menstruate. He said: There is no waiting period upon her.

Hadith 28322

عن جميل بن دراج، عن أحدهما (عليهما السلام) في الرجل يطلق الصبية التي لم تبلغ، ولا يحمل مثلها، فقال: ليس عليها عدّة، وإن دخل بها.

From Jamil ibn Darraj, from one of them (peace be upon them both) regarding a man who divorces a young girl who has not reached maturity and is not of an age to conceive. He said: There is no waiting period upon her, even if he consummated the marriage with her.

Hadith 28323

عن جميل بن دراج، عن بعض أصحابنا، عن أحدهما (عليهما السلام) في الرجل يطلق الصبية التي لم تبلغ، ولا يحمل مثلها، وقد كان دخل بها، والمرأة التي قد يئست من المحيض، وارتفع حيضها فلا يلد مثلها، قال: ليس عليهما عدّة، وإن دخل بهما.

From Jamil ibn Durraj, from some of our companions, from one of the two (peace be upon them both) regarding a man who divorces a young girl who has not reached puberty and one like her cannot bear children, and he had consummated the marriage with her, and a woman who has despaired of menstruation and her menstruation has ceased such that one like her does not give birth, he said: There is no waiting period (iddah) required for either of them, even if he consummated the marriage with them.

Hadith 28324

عن عبد الرحمن بن الحجّاج، قال: قال أبو عبدالله (عليه السلام): ثلاث تتزوجن على كل حال: التي لم تحض، ومثلها لا تحيض، قال: قلت: وما حدها؟ قال: إذا أتى لها أقل من تسع سنين، والتي لم يدخل بها، والتي قد يئست من المحيض، ومثلها لا تحيض، قلت: وما حدها؟ قال: إذا كان لها خمسون سنة.

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From Abd al-Rahman ibn al-Hajjaj, he said: Abu Abdullah (peace be upon him) said: Three types of women may be married under any circumstances: She who has not menstruated and one like her does not menstruate. He said: I asked: What is her limit? He said: When she is less than nine years old. And she who has not been consummated with in marriage. And she who has despaired of menstruation and one like her does not menstruate. I said: What is her limit? He said: When she is fifty years old.

Hadith 28325

قال الكليني: وروي أن عليهن العدّة، إذا دخل بهن. أقول: يأتي الوجه فيه.

Al-Kulayni said: And it has been narrated that they do have a waiting period if he consummated the marriage with them. I (Hurr Amili) say: The reasoning for this will come later.

Hadith 28326

عن أبي بصير، قال: عدة التي لم تبلغ الحيض ثلاثة أشهر، والتي قد قعدت من المحيض ثلاثة أشهر.

From Abu Basir, he said: The waiting period (iddah) for one who has not reached menstruation is three months, and for one who has ceased from menstruation is three months.

أقول: حمله الشيخ وغيره على المستراية، وهي التي لا تحيض وهي في سن من تحيض وكذلك نقل الكلينيُّ، عن معاوية بن حكيم أنه حمل الحديث على المستراية ونقل الشيخ فيه الاجماع، وهو مطابق لظاهر القرآن، ويمكن حمل ما تضمن العدة هنا على التقيّة : لموافقته لمذهب العامّة وعلى الاستحباب : لما مر.

I (Hurr Amili) say: The Shaykh and others have interpreted this as referring to the mustariabah, which is the woman who does not menstruate while being of an age where women typically menstruate. Similarly, al-Kulayni narrated from Mu'awiyah ibn Hakim that he interpreted the hadith as referring to the mustariabah. The Shaykh narrated consensus on this matter, and it conforms to the apparent meaning of the Quran. It is possible to interpret what contains the waiting period here as being due to taqiyyah (precautionary dissimulation) because it agrees with the madhab of the Aammah (Sunnis), or as being recommended, based on what has passed.

Hadith 28327

عن ابن سنان، عن أبي عبدالله (عليه السلام)، قال في الجارية التي لم تدرك الحيض، قال: يطلقها زوجها بالشهور، قيل: فإن طلقها تطليقة، ثمّ مضى شهر، ثمّ حاضت في الشهر الثاني، قال: فقال: إذا حاضت بعد ما طلقها بشهر ألقت ذلك الشهر، واستأنفت العدة بالحيض، فإن مضى لها بعد ما طلقها شهران، ثمّ حاضت في الثالث، تمّت عدتها بالشهور، فاذا مضى لها ثلاثة أشهر فقد بانت منه، وهو خاطب من الخطّاب، وهي ترثه ويرثها ما كانت في العدة.

From Ibn Sinan, from Abu Abdullah (peace be upon him), who said regarding the young woman who has not reached menstruation: Her husband divorces her by months. It was asked: If he divorces her with one divorce, then a month passes, then she menstruates in the second month? He said: When she menstruates after he divorced her by a month, she discards that month and begins the waiting period anew with menstruation. If two months pass for her after he divorced her, then

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she menstruates in the third month, her waiting period is completed by months. When three months have passed for her, she is separated from him, and he is a suitor among suitors. She inherits from him and he inherits from her as long as she was in the waiting period.

Hadith 28328

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: عدّة المرأة التي لا تحيض، والمستحاضة التي لا تطهر، والجارية التي قد يئست، ولم تدرك الحيض ثلاثة أشهر، والتي يستقيم حيضها ثلاث حيض، متى ما حاضتها فقد حلت للازواج.

From al-Halabi, from Abu Abdullah (peace be upon him), who said: The waiting period (iddah) for a woman who does not menstruate, the woman with istihadah who does not become pure, and the young girl who has despaired but has not reached menstruation is three months. And for the one whose menstruation is regular, it is three menstrual cycles - whenever she completes her menstruation, she becomes lawful for marriage.

Hadith 28329

عن هارون بن حمزه، قال: سألت أبا عبدالله (عليه السلام) عن جارية حدثة طلقت ولم تحض بعد، فمضى لها شهران، ثمّ حاضت، أتعتد بالشهرين؟ قال: نعم، وتكمل عدتها شهرا، فقلت: أتكمل عدتها بحيضة؟ قال: لا، بل بشهر يمضي عدتها على ما يمضي عليها أولها.

From Harun ibn Hamzah, who said: I asked Abu Abdullah (peace be upon him) about a young girl who was divorced and had not menstruated yet, and two months passed for her, then she menstruated. Does she count the two months? He said: Yes, and she completes her waiting period with one month. I said: Does she complete her waiting period with one menstruation? He said: No, rather with a month that passes - her waiting period proceeds according to how it began for her.

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CHAPTER 3

There Is No Waiting Period (Iddah) For A Woman Who Has Reached Menopause When She Is Divorced, Even If The Marriage Was Consummated, And Her Husband Has No Right Of Return (Raj'ah), And She May Marry Immediately. The Limit For This Is Reaching Sixty Years For Qurayshi And Nabatean Women, And Fifty Years For Others.

[Hadith 28330 to 28334]

Hadith 28330

عن محمّد بن مسلم، قال: سمعت أبا جعفر (عليه السلام) يقول في التي قد يئست من المحيض، يطلّقها زوجها، قال: قد بانت منه، ولا عدّة عليها.

From Muhammad ibn Muslim, who said: I heard Abu Ja'far (peace be upon him) say regarding the woman who has despaired of menstruation (reached menopause) and is divorced by her husband: She is separated from him, and there is no waiting period upon her.

Hadith 28331

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: التي لا تحبل مثلها لا عدة عليها. أقول: هذا يدل على حكم الصغيرة أيضاً، وهو ظاهر.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), who said: The woman who is not of an age to conceive has no waiting period upon her. I (Hurr Amili) say: This indicates the ruling regarding the young girl as well, and this is apparent.

Hadith 28332

عن حماد بن عثمّان، (عمن رواه)، عن أبي عبدالله (عليه السلام) في الصبية التي لا يحيض مثلها، والتي قد يئست من المحيض، قال: ليس عليهما عدّة، وإن دخل بهما.

From Hammad ibn Uthman, (from whoever narrated it), from Abu Abdullah (peace be upon him) regarding the young girl who does not menstruate like her peers, and the woman who has despaired of menstruation (reached menopause), he said: There is no waiting period required for them, even if the marriage is consummated.

Hadith 28333

محمّد بن علي بن الحسين قال: روي: أن المرأة إذا بلغت خمسين سنة لم تر حمرة، إلاّ أن تكون امرأة من قريش.

Muhammad ibn Ali ibn al-Husayn said: It has been narrated that when a woman reaches fifty years of age, she does not see redness (menstrual blood), except if she is a woman from Quraysh.

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Hadith 28334

عن عبد الرحمن بن الحجّاج، قال: سمعت أبا عبدالله (عليه السلام) يقول: ثلاث يتزوجن على كل حال: التي قد يئست من المحيض، ومثلها لا تحيض، قلت: ومتى تكون كذلك؟

From Abd al-Rahman ibn al-Hajjaj, he said: I heard Abu Abdullah (peace be upon him) say: Three types of women may be married under any circumstances: the woman who has despaired of menstruation (reached menopause) and one like her does not menstruate. I said: When does she become like that?

قال: إذا بلغت ستّين سنة فقد يئست من المحيض ومثلها لا تحيض، والتي لم تحض ومثلها لا تحيض، قلت: ومتى يكون كذلك؟ قال: ما لم تبلغ تسع سنين، فانّها لا تحيض، ومثلها لا تحيض، والتي لم يدخل بها.

He (the Imam) said: When she reaches sixty years of age, she has despaired of menstruation and one like her does not menstruate. And the woman who has not menstruated and one like her does not menstruate. I said: When is that the case? He said: As long as she has not reached nine years of age, for she does not menstruate and one like her does not menstruate. And the woman who has not been consummated with.

أقول: هذا مخصوص بالقرشية والنبطية ؛ لما مرّ، وما تقدم في رواية هذا الحديث من طريق الكليني مخصوص بغيرهما، والظاهر تعدد الروايتين، وتقدم ما يدل على ذلك، ويأتي ما يدل عليه، وتقدم ما ظاهره المنافاة، وأنّه مخصوص بالمستراية، وتقدم ما يدل على حد اليأس في أحاديث الحيض.

I (Hurr Amili) say: This is specific to Qurayshi and Nabatean women based on what has passed, and what preceded in the narration of this hadith through al-Kulayni's chain is specific to others besides them. It appears there are multiple narrations, and what indicates this has preceded and will come. What has preceded appears contradictory, and it is specific to the woman in doubt. What has preceded indicates the limit of despair in the hadiths of menstruation.

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CHAPTER 4

The Waiting Period Of Women With Irregular Cycles And Similar Cases

[Hadith 28335 to 28354]

Hadith 28335

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) أنه قال: في التي تحيض في كل ثلاثة أشهر مرّة، أو في ستة، أو في سبعة أشهر، والمستحاضة التي لم تبلغ الحيض، والتي تحيض مرّة، ويرتفع مرّة، التي لا تطمع في الولد، والتي قد ارتفع حيضها، وزعمت أنها لم تيأس، والتي ترى الصفرة من حيض ليس بمستقيم، فذكر: أنّ عدّة هؤلاء ـ كلّهنَّ ـ ثلاثة أشهر.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them both) that he said: Regarding the woman who menstruates once every three months, or every six months, or every seven months; and the woman with irregular bleeding who has not reached the age of menstruation; and the woman who menstruates sometimes and it ceases at other times; the woman who has no hope of bearing children; and the woman whose menstruation has ceased but she claims she has not reached menopause; and the woman who sees yellowish discharge from an irregular menstrual cycle - he mentioned that the waiting period for all of these women is three months.

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Hadith 28336

عن أبي بصير، عن أبي عبدالله (عليه السلام) أنه قال في المرأة يطلّقها زوجها، وهي تحيض في كل ثلاثة أشهر حيضة، فقال: إذا انقضت ثلاثة أشهر انقضت عدّتها، يحسب لها لكلِّ شهر حيضة.

From Abu Basir, from Abu Abdullah (peace be upon him) that he said regarding a woman whose husband divorces her while she menstruates once every three months: When three months have passed, her waiting period has ended. Each month is counted as one menstrual cycle for her.

Hadith 28337

عن زرارة، عن أحدهما (عليهما السلام)، قال: أي الامرين سبق إليها فقد انقضت عدتها: إن مرت بها ثلاثة أشهر، لا ترى فيها دماً، فقد انقضت عدّتها، وإن مرَّت ثلاثة أقراء، فقد انقضت عدتها.

From Zurarah, from one of them (peace be upon both of them), he said: Whichever of the two matters precedes for her, her waiting period (iddah) has ended: If three months pass by her in which she sees no blood, then her waiting period has ended, and if three menstrual cycles (quru') pass, then her waiting period has ended.

Hadith 28338

عن زرارة، قال: إذا نظرت لم تجد الاقراء إلا ثلاثة أشهر، فإذا كانت لا يستقيم لها حيض، تحيض في الشهر مراراً، فإن عدتها عدة المستحاضة ثلاثة أشهر، وإذا كانت تحيض حيضا مستقيماً، فهو في كلّ شهر حيضة، بين كلّ حيضتين شهر، وذلك القرء.

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أقول: هذا محمول على الغالب ؛ لما يأتي.

From Zurarah, he said: When you look, you find the menstrual cycles to be only three months. So when it is a woman whose menstruation is not regular, who menstruates repeatedly in a month, then her waiting period is the waiting period of the woman with irregular bleeding (mustahadha) - three months. And when she has regular menstruation, it is one menstruation each month, with a month between every two menstruations, and that is the qur' (menstrual cycle). I (Hurr Amili) say: This is based on the general case, as will come later.

Hadith 28339

عن زرارة، عن أبي جعفر (عليه السلام)، قال: أمران أيهما سبق بانت منه المطلّقة المستراباة: إن مرت بها ثلاثة أشهر بيض، ليس فيها دم بانت منه، وإن مرت بها ثلاثة حيض، ليس بين الحيضتين ثلاثة أشهر بانت بالحيض.

From Zurarah, from Abu Ja'far (peace be upon him), he said: Two matters - whichever precedes, the divorced woman with irregular periods (mustaraba) becomes separated by it: If three clear months pass by her with no blood in them, she becomes separated by it, and if three menstruations pass by her with there not being three months between the two menstruations, she becomes separated by the menstruation.

قال ابن أبي عمير: قال جميل: وتفسير ذلك: إن مرّت بها ثلاثة أشهر إلا يوما فحاضت، ثمَّ مرت بها ثلاثة أشهر إلا يوما فحاضت، ثمّ مرّت بها ثلاثة أشهر إلا يوما فحاضت، فهذه تعتد بالحيض على هذا الوجه، ولا تعتد بالشهور، وإن مرت بها ثلاثة أشهر بيض، لم تحض فيها فقد بانت.

Ibn Abi 'Umayr said: Jamil said: The explanation of that is: If three months minus a day pass by her and she menstruates, then three months minus a day pass by her and she menstruates, then three months minus a day pass by her and she menstruates - this one observes her waiting period by menstruation in this manner, and does not observe her waiting period by months. And if three clear months pass by her in which she does not menstruate, then she has become separated.

Hadith 28340

عن أبي العبّاس، قال: سألت أبا عبدالله (عليه السلام) عن رجل طلق امرأته بعد ما ولدت، وطهرت، وهي امرأة لا ترى دما مادامت ترضع، ما عدتها؟ قال: ثلاثة أشهر.

From Abu al-Abbas, he said: I asked Abu Abdullah (peace be upon him) about a man who divorced his wife after she gave birth and became pure, and she is a woman who does not see blood as long as she is breastfeeding - what is her waiting period? He said: Three months.

Hadith 28341

عن الحلبيّ، عن أبي عبدالله (عليه السلام)، قال: عدة المرأة التي لا تحيض، والمستحاضة التي لا تطهر ثلاثة أشهر، وعدّة التي تحيض، ويستقيم حيضها ثلاثة قروء.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: The waiting period of a woman who does not menstruate, and the woman with irregular bleeding who does not become pure, is

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three months. And the waiting period of one who menstruates and whose menstruation is regular is three menstrual cycles (quru').

قال: وسألته عن قول الله عزّ وجلّ: (إن ارتبتم)، ما الريبة؟ فقال: ما زاد على شهر فهو ريبة. فلتعتد ثلاثة أشهر، ولتترك الحيض، وما كان في الشهر لم يزد في الحيض على ثلاث حيض، فعدَّتها ثلاث حيض.

He said: I asked him about the saying of Allah, Mighty and Majestic: "if you are in doubt" - what is the doubt? He said: What exceeds a month is doubt, so let her observe a waiting period of three months and abandon menstruation. And what is within the month, if the menstruation does not exceed three menstrual cycles, then her waiting period is three menstrual cycles.

قال الشيخ: الوجه فيه، أنّه إن تأخّر الدم عن عادتها أقلّ من الشهر، فليس لريبة الحبل، بل ربما كان لعلّة، فلتعتدّ بالاقراء، فان تأخر الدم شهرا فانه يجوز أن يكون للحمل، فتعتد ثلاثة أشهر، ما لم تر فيها دما.

The Sheikh said: The interpretation of this is that if the blood is delayed from her usual time by less than a month, then it is not due to doubt of pregnancy, but perhaps it is due to an illness, so let her observe the waiting period by menstrual cycles. But if the blood is delayed for a month, then it is possible that it is due to pregnancy, so she observes a waiting period of three months, as long as she does not see blood during them.

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Hadith 28342

عن محمّد بن حكيم، عن عبد صالح (عليه السلام)، قال: قلت له: المرأة الشابة التي لا تحيض، ومثلها يحمل، طلّقها زوّجها، قال: عدتها ثلاثة أشهر. ورواه الصدوق بإسناده عن أحمد بن محمّد بن أبي نصر مثله، إلاّ أنّه قال: ومثلها تحيض.

From Muhammad ibn Hakim, from Abd Salih (peace be upon him), he said: I said to him: A young woman who does not menstruate, but one like her can become pregnant - her husband divorced her. He said: Her waiting period is three months. And al-Saduq narrated it through his chain from Ahmad ibn Muhammad ibn Abi Nasr similarly, except that he said: "and one like her menstruates."

Hadith 28343

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: عدة التي لم تحض، والمستحاضة التي لا تطهر ثلاثة أشهر، وعدّة التي تحيض، ويستقيم حيضها ثلاثة قروء، والقروء جمع الدم بين الحيضتين.

From Abu Basir, from Abu Abdullah (peace be upon him), who said: The waiting period (iddah) for the woman who has not menstruated and the woman with irregular bleeding (mustahadah) who does not become pure is three months, and the waiting period for the woman who menstruates and whose menstruation is regular is three quru (menstrual cycles), and quru is the collection of blood between two menstruations.

Hadith 28344

عن أبي الصباح الكناني، عن أبي عبدالله (عليه السلام)، قال: سألته عن التي تحيض كل ثلاثة أشهر مرّة، كيف تعتد؟ قال: تنتظر مثل قرئها الذي كانت تحيض فيه في الاستقامة، فلتعتد ثلاثة قروء، ثمّ لتزوّج إن شاءت. محمّد بن علي بن الحسين بإسناده عن أبي الصباح مثله، إلاّ أنّه قال: في كل ثلاث سنين.

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From Abu al-Sabah al-Kinani, from Abu Abdullah (peace be upon him), who said: I asked him about the woman who menstruates once every three months, how should she observe her waiting period? He said: She should wait for the duration similar to her menstrual cycle that she used to have when it was regular, so let her observe the waiting period of three quru, then let her marry if she wishes. Muhammad ibn Ali ibn al-Husayn narrated through his chain from Abu al-Sabah similarly, except that he said: once every three years.

Hadith 28345

عن زرارة، عن أبي عبدالله (عليه السلام)، قال: سألته عن التي لا تحيض إلا في ثلاث سنين، أو أربع سنين قال تعتد بثلاثة أشهر، ثمّ تزوّج إن شاءت.

From Zurarah, from Abu Abdullah (peace be upon him), who said: I asked him about the woman who does not menstruate except once in three years or four years. He said: She observes the waiting period of three months, then she may marry if she wishes.

Hadith 28346

عن زرارة، عن أبي جعفر (عليه السلام)، قال: سمعته يقول: أمران أيهما سبق إلى المسترابة انقضت به عدتها: إن مرت بها ثلاثة أشهر بيض، ليس فيها دم انقضت عدتها بالشهور، وإن مرت بها ثلاث حيض، ليس بين الحيضتين ثلاثة أشهر انقضت عدتها بالحيض.

From Zurarah, from Abu Ja'far (peace be upon him), who said: I heard him say: There are two matters - whichever occurs first for the woman who has irregular menstruation (al-mustaribah), her waiting period (iddah) is completed by it: If three white months pass by her without any blood, her waiting period is completed by the months. And if three menstrual periods pass by her, with no three months between the two menstrual cycles, her waiting period is completed by menstruation.

Hadith 28347

ورواه الصدوق في (الخصال): عن أبيه، عن سعد، عن أحمد بن محمّد بن عيسى، عن أحمد بن محمّد بن أبي نصر البزنطي، عن جميل مثله، إلا أنه قال: أمران أيهما سبق إليها بانت به المطلقة المسترابة، التي تستريب الحيض: إن مرت بها ثلاثة أشهر بيض، ليس فيها دم بانت بها، ثمّ ذكر الباقي مثله.

Al-Saduq narrated it in (al-Khisal): from his father, from Sa'd, from Ahmad ibn Muhammad ibn Isa, from Ahmad ibn Muhammad ibn Abi Nasr al-Bazanti, from Jamil similarly, except that he said: There are two matters - whichever occurs first for her, the divorced woman with irregular menstruation (al-mustaribah) who has irregular menstruation is separated by it: If three white months pass by her without any blood, she is separated by them. Then he mentioned the rest similarly.

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Hadith 28348

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال في التي لا تحيض إلا في كل ثلاث سنين، أو أكثر من ذلك، قال: فقال: مثل (قرئها الذي) كانت تحيض في استقامتها، ولتعتد ثلاثة قروء، ثمّ وتتزوّج إن شاءت.

From Abu Basir, from Abu Abdullah (peace be upon him), who said regarding the woman who only menstruates every three years or more than that: He said: Like her menstrual cycle that she used to have during her regular state, and let her observe a waiting period of three menstrual cycles (quru'), then she may marry if she wishes.

Hadith 28349

عن أبي الصباح، قال: سئل أبو عبدالله (عليه السلام) عن التي لا تحيض في كل ثلاث سنين إلاّ مرَّة واحدة، كيف تعتد؟ قال: تنتظر مثل قرئها التي كانت تحيض في استقامتها، ولتعتدّ ثلاثة قروء، ثمّ تزوّج إن شاءت.

From Abu al-Sabah, he said: Abu Abdullah (peace be upon him) was asked about a woman who does not menstruate except once every three years, how should she observe her waiting period? He said: She should wait for the duration similar to her menstrual cycle that she used to have when her menstruation was regular, and let her observe a waiting period of three menstrual cycles, then she may marry if she wishes.

Hadith 28350

عن محمّد بن حكيم، قال: سألت أبا الحسن (عليه السلام) عن امرأة يرتفع حيضها، فقال: ارتفاع الطمث ضربان: فساد من حيض، وارتفاع من حمل، فأيّهما كان فقد حلت للأزواج، إذا وضعت، أو مرّت بها ثلاثة أشهر بيض، ليس فيها دم.

From Muhammad ibn Hakim, he said: I asked Abu al-Hasan (peace be upon him) about a woman whose menstruation ceases. He said: The cessation of menstruation is of two types: corruption from menstruation, and cessation due to pregnancy. Whichever it may be, she becomes lawful for marriage when she gives birth, or when three clean months pass by her without any blood.

Hadith 28351

عن إسماعيل بن سعد الاشعريّ، قال: سألت الرضا عليه السلام عن المسترابة من المحيض، كيف تطلق؟ قال: تطلق بالشهور.

From Ismail ibn Sa'd al-Ash'ari, he said: I asked al-Rida (peace be upon him) about a woman who has irregular menstruation, how should she be divorced? He said: She should be divorced by months.

Hadith 28352

عن محمّد بن حكيم قال: سألت أبا الحسن (عليه السلام)، فقلت: المرأة التي لا تحيض مثلها، ولم تحض كم تعتد؟ قال: ثلاثة أشهر

From Muhammad ibn Hakim who said: I asked Abu al-Hasan (peace be upon him), saying: A woman who is of an age where her likes menstruate, but she has not menstruated - how long

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should her waiting period be? He said: Three months.

، قلت: فانها ارتابت، قال: تعتد آخر الأجلين، تعتدّ تسعة أشهر،

I said: What if she becomes doubtful (about pregnancy)? He said: She observes the waiting period of the longer of the two terms - she waits nine months.

قلت: فانّها ارتابت، قال: ليس عليها ارتياب : لأنّ الله عزّ وجلّ جعل للحبل وقتاً، فليس بعده ارتياب.

I said: What if she becomes doubtful again? He said: There is no doubt upon her after that, because Allah the Mighty and Majestic has set a time limit for pregnancy, so there is no doubt after it.

Hadith 28353

عن هارون بن حمزة الغنوي، عن أبي عبدالله (عليه السلام) في المرأة التي لا تحيض إلا في كل ثلاث سنين، أو أربع سنين، أو خمس سنين، قال: تنتظر مثل قروئها التي كانت تحيض فلتعتدّ، ثمّ تزوّج إن شاءت.

From Harun ibn Hamza al-Ghanawi, from Abu Abdullah (peace be upon him) regarding the woman who menstruates only every three years, or four years, or five years. He said: She should wait according to her usual menstrual cycles that she used to have, then let her observe the waiting period, then she may marry if she wishes.

Hadith 28354

الفضل بن الحسن الطبرسي في (مجمع البيان): في قوله تعالى: (واللائي يئسن من المحيض من نسائكم إن ارتبتم) فلا تدرون لكبر ارتفع حيضهنّ، أم لعارض (فعدتهن ثلاثة أشهر) وهن اللواتي أمثالهن يحضن : لانهنَّ لو كن في سن من لا تحيض لم يكن للارتياب معنى، قال: وهذا هو المروي عن أئمتنا (عليهم السلام).

Al-Fadl ibn al-Hasan al-Tabarsi in Majma al-Bayan: Regarding His saying, the Exalted: "And those who have despaired of menstruation among your women - if you doubt [Quran 65:4]" - meaning you do not know whether their menstruation has ceased due to old age or due to some temporary condition - then their waiting period is three months, and they are those whose likes normally menstruate. For if they were at an age where they do not menstruate, there would be no meaning to the doubt. He said: This is what is narrated from our Imams (peace be upon them).

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CHAPTER 5

A Woman With Irregular Bleeding Returns To Her Habit, Otherwise To Distinguishing [the Blood], And If There Is None, Then To The Habit Of Her Women, And If They Differ, She Observes A Waiting Period Of Three Months

[Hadith 28355 to 28356]

Hadith 28355

عن جميل، عن أحدهما (عليهما السلام)، قال: تعتد المستحاضة بالدم إذا كان في أيّام حيضها، أو بالشهور إن سبقت لها، فان اشتبها فلم تعرف أيام حيضها من غيرها، فان ذلك لا يخفى ؛ لأنّ دم الحيض دم عبيط حار، وإن دم الاستحاضة دم أصفر بارد.

From Jamil, from one of the two [Imams] (peace be upon them both), he said: The woman with irregular bleeding observes her waiting period by the blood when it occurs during her menstrual days, or by months if she has precedent for that. If they become confused and she does not know her menstrual days from others, then that should not be hidden, because menstrual blood is pure hot blood, while irregular bleeding is yellow cold blood.

Hadith 28356

عن محمّد بن مسلم، أنه سأل أبا جعفر (عليه السلام) عن عدة المستحاضة، قال: تنظر قدر أقرائها، فتزيد يوما أو تنقص يوماً، فان لم تحض فلتنظر إلى بعض نسائها، فلتعتدّ بأقرائها.

From Muhammad ibn Muslim, that he asked Abu Ja'far (peace be upon him) about the waiting period of a woman with irregular bleeding. He said: She looks at the extent of her menstrual periods, adding a day or subtracting a day. If she has not menstruated, then let her look at some of her women and observe her waiting period according to their menstrual periods.

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CHAPTER 6

A Woman Observing Waiting Period By Menstrual Cycles, If She Menstruates Once Then Reaches The Age Of Menopause, Completes Her Waiting Period With Two Months

[Hadith 28357 to 28357]

Hadith 28357

عن هارون بن حمزة، عن أبي عبدالله (عليه السلام) في امرأه طلّقت، وقد طعنت في السنّ، فحاضت حيضة واحدة، ثمّ ارتفع حيضها، فقال: تعتد بالحيضة وشهرين مستقبلين، فانّها قد يئست من المحيض.

From Harun ibn Hamza, from Abu Abdullah (peace be upon him) regarding a woman who was divorced and had advanced in age, so she menstruated once, then her menstruation ceased. He said: She observes the waiting period with the menstruation and two upcoming months, for she has reached menopause from menstruation.

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CHAPTER 7

Establishing Doubt By Exceeding The Monthly Menstrual Period

[Hadith 28358 to 28358]

Hadith 28358

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: سألته عن قول الله عزّ وجلّ: (إن ارتبتم) فقال: ما جاز الشهر فهو ريبة.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: I asked him about the saying of Allah, Mighty and Majestic: [Quran, 65:4] "If you doubt" - so he said: What exceeds the month, that is doubt.

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CHAPTER 8

The Divorce Of A Woman Who Has Sought Khula Is Irrevocable, And Her Husband Has No Right Of Return Except If She Returns The Compensation, And She Must Observe The Waiting Period, And Likewise For Mubarah

[Hadith 28359 to 28360]

Hadith 28359

عن محمّد بن مسلم، عن أبي عبدالله (عليه السلام)، قال: الخلع والمباراة تطليقة بائن، وهو خاطب من الخطاب.

From Muhammad ibn Muslim, from Abu Abdullah (peace be upon him), who said: Khula and mubarah are irrevocable divorces, and he (the husband) is among the suitors.

Hadith 28360

عن داود بن سرحان، عن أبي عبدالله (عليه السلام) في المختلعة، قال: عدتها عدة المطلقة، وتعتدُّ في بيتها، والمختلعة بمنزلة المباراة.

From Dawud ibn Sarhan, from Abu Abdullah (peace be upon him) regarding the woman who has sought khula, he said: Her waiting period is the waiting period of a divorced woman, and she observes her waiting period in her house, and the woman who has sought khula is in the same position as one who has agreed to mubarah.

أقول: ويأتي ما يدل على ذلك، وعلى أنّ لزوجها الرجعة إذا رجعت في البذل في الخلع، والمباراة.

I (Hurr Amili) say: What will come indicates this, and that her husband has the right of return if she returns the compensation in khula and mubarah.

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CHAPTER 9

The Waiting Period Of A Divorced Pregnant Woman Being The Delivery Of The Pregnancy Even If She Gives Birth Immediately, And That Her Husband Has The Right Of Return Before Delivery Except In What Is Excepted, And That It Is Not Permissible For A Woman To Conceal Her Pregnancy From Her Husband

[Hadith 28361 to 28371]

Hadith 28361

عن زرارة، عن أبي جعفر (عليه السلام)، قال: طلاق الحامل واحدة، فاذا وضعت ما في بطنها فقد بانت منه.

From Zurarah, from Abu Ja'far (peace be upon him), who said: The divorce of a pregnant woman is one (divorce), and when she delivers what is in her womb, she becomes irrevocably separated from him.

Hadith 28362

عن أبي بصير، قال: قال أبو عبدالله (عليه السلام): طلاق الحامل الحبلى واحدة، وأجلها أن تضع حملها، وهو أقرب الاجلين.

From Abu Basir, who said: Abu Abdullah (peace be upon him) said: The divorce of a pregnant woman is one (divorce), and her waiting period is until she delivers her pregnancy, and this is the nearer of the two terms.

Hadith 28363

عن أبي الصباح، عن أبي عبدالله (عليه السلام)، قال: طلاق الحامل واحدة، وعدَّتها أقرب الاجلين.

From Abu al-Sabah, from Abu Abdullah (peace be upon him), who said: The divorce of a pregnant woman is one, and her waiting period (iddah) is the nearer of the two terms.

أقول: المراد به: وضع الحمل ؛ لما مرّ، ووجهه أنه قد يكون بعد الطلاق بلحظة، أو بغير فصل، فهو أقرب من الاقراء.

I (Hurr Amili) say: What is meant by this is the delivery of the pregnancy, based on what has passed, and its reasoning is that it may occur after the divorce by a moment, or without separation, so it is nearer than the menstrual periods.

Hadith 28364

عن إسماعيل الجعفي، عن أبي جعفر (عليه السلام)، قال: طلاق الحبلى واحدة، فإذا وضعت ما في بطنها فقد بانت.

From Isma'il al-Ju'fi, from Abu Ja'far (peace be upon him), who said: The divorce of a pregnant woman is one, and when she delivers what is in her womb, she has become separated.

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Hadith 28365

عن علي بن إبراهيم، عن أبيه ـ جميعاً ـ عن عثمّان بن عيسى، عن سماعة، قال: سألته عن طلاق الحبلى؟ فقال: واحدة، وأجلها أن تضع حملها.

From Ali ibn Ibrahim, from his father - both together - from Uthman ibn Isa, from Sama'ah, who said: I asked him about the divorce of a pregnant woman. He said: One, and her term is that she delivers her pregnancy.

Hadith 28366

عن الحلبيّ عن أبي عبدالله (عليه السلام)، قال: طلاق الحبلى واحدة، وأجلها أن تضع حملها، وهو أقرب الاجلين.

From al-Halabi from Abu Abdullah (peace be upon him), he said: The divorce of a pregnant woman is one, and her waiting period is until she gives birth to her child, and this is the nearer of the two terms.

Hadith 28367

عن زرارة، عن أبي جعفر (عليه السلام)، قال: إذا طلقت المرأة وهي حامل، فأجلها أن تضع حملها، وإن وضعت من ساعتها.

From Zurarah from Abu Ja'far (peace be upon him), he said: When a woman is divorced while she is pregnant, her waiting period is until she gives birth to her child, even if she gives birth immediately.

Hadith 28368

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: طلاق الحبلى واحدة، وإن شاء راجعها قبل أن تضع، فإن وضعت قبل أن يراجعها فقد بانت منه، وهو خاطب من الخطاب.

From al-Halabi from Abu Abdullah (peace be upon him), he said: The divorce of a pregnant woman is one, and if he wishes he may take her back before she gives birth. But if she gives birth before he takes her back, then she is separated from him irrevocably, and he is like any other suitor among the suitors.

Hadith 28369

الفضل بن الحسن الطبرسي في (مجمع البيان): في قوله تعالى: (واولات الاحمال أجلهن أن يضعن حملهن) قال: هي في المطلقات خاصّة، وهو المروي عن أئمتنا (عليهم السلام).

Al-Fadl ibn al-Hasan al-Tabrisi in (Majma' al-Bayan): Regarding His saying, the Exalted: "And for those who are pregnant, their term is until they give birth to their burden" [Quran, 65:4] - he said: This refers specifically to divorced women, and this is what is narrated from our Imams (peace be upon them).

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Hadith 28370

محمّد بن علي بن الحسين في (المقنع): عن أمير المؤمنين (عليه السلام): أنّه ضرب رجلا تزوَّج امرأة في نفاسها الحدّ.

Muhammad ibn Ali ibn al-Husayn in (al-Muqni'): From Amir al-Mu'minin (peace be upon him): That he applied the legal punishment (hadd) to a man who married a woman during her post-partum bleeding period (nifas).

أقول: هذا محمول على من وطئ المرأة في النفاس.

I (Hurr Amili) say: This is understood to apply to one who had intercourse with a woman during the post-partum bleeding period.

Hadith 28371

محمّد بن مسعود العياشي في (تفسيره): عن أبي بصير، عن أبي عبدالله (عليه السلام) في قوله تعالى: (ولا يحل لهن أن يكتمن ما خلق الله في أرحامهن) قال: يعني: لا يحلّ لها أن تكتم الحمل، إذا طلقت وهي حبلى، والزوج لا يعلم بالحمل، فلا يحلُّ لها أن تكتم حملها، وهو أحقّ بها في ذلك الحمل ما لم تضع.

Muhammad ibn Mas'ud al-Ayyashi in (his Tafsir): From Abu Basir, from Abu Abdullah (peace be upon him) regarding His saying, the Exalted: "And it is not lawful for them to conceal what Allah has created in their wombs" [Quran, 2:228] - he said: It means it is not lawful for her to conceal the pregnancy if she is divorced while pregnant and the husband does not know about the pregnancy. So it is not lawful for her to conceal her pregnancy, and he has more right to her during that pregnancy until she gives birth.

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CHAPTER 10

A Woman With Twins Becomes Legally Separated From Divorce Upon Delivering The First Child, But It Is Not Permissible For Her To Marry For Husbands Until She Gives Birth To What Is In Her Womb.

[Hadith 28372 to 28373]

Hadith 28372

عن عبد الرحمن بن البصريّ ـ يعني : أبا عبدالله ـ عن أبي عبدالله (عليه السلام) ، قال : سألته عن رجل طلق امرأته وهي حبلى ، وكان في بطنها اثنان ، فوضعت واحداً ، وبقي واحد ؟ قال : تبين بالأوّل ، ولا تحلُّ للازواج حتى تضع ما في بطنها .

From Abd al-Rahman ibn al-Basri - meaning Abu Abdullah - from Abu Abdullah (peace be upon him), he said: I asked him about a man who divorced his pregnant wife, and she was carrying twins in her womb, then she delivered one while one remained. He said: She becomes irrevocably divorced with the first one, but she is not lawful for marriage until she delivers what is in her womb.

Hadith 28373

الفضل بن الحسن الطبرسي في (مجمع البيان): قال: روى أصحابنا أن الحامل إذا وضعت واحدا انقطعت عصمتها من الزوج، ولا يجوز لها أن تعقد على نفسها لغيره حتى تضع الآخر.

Al-Fadl ibn al-Hasan al-Tabarsi in (Majma' al-Bayan): He said: Our companions narrated that when a pregnant woman delivers one child, her marital bond with her husband is severed, but it is not permissible for her to contract marriage with another until she delivers the other child.

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CHAPTER 11

When A Pregnant Woman Gives Birth To A Complete Or Incomplete Miscarried Fetus, Even If It Is An Embryonic Lump, Her Waiting Period Has Ended

[Hadith 28374 to 28374]

Hadith 28374

عن عبد الرحمن بن الحجاج، عن أبي الحسن (عليه السلام)، قال: سألته عن الحبلى إذا طلقها زوجها، فوضعت سقطاً تمّ، أو لم يتم، أو وضعته مضغة؟ فقال: كل شيء يستبين أنه حمل تمَّ، أو لم يتمّ فقد انقضت عدّتها، وإن كان مضغة.

From Abd al-Rahman ibn al-Hajjaj, from Abu al-Hasan (peace be upon him), he said: I asked him about a pregnant woman when her husband divorces her and she gives birth to a complete miscarried fetus, or incomplete, or she delivers an embryonic lump. He said: Everything that becomes clear that it is a pregnancy, whether complete or incomplete, her waiting period has ended, even if it was an embryonic lump.

أقول: وتقدم ما يدل على ذلك بعمومه وإطلاقه.

I (Hurr Amili) say: What has preceded indicates this through its generality and absoluteness.

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CHAPTER 12

The Waiting Period (Iddah) Of A Divorced Woman Is Three Menstrual Cycles If She Has Regular Menstruation

[Hadith 28375 to 28377]

Hadith 28375

عن الحلبيّ، عن أبي عبدالله (عليه السلام)، قال: لا ينبغي للمطلقة أن تخرج إلا بإذن زوجها حتى تنقضي عدتها ثلاثة قروء، أو ثلاثة أشهر إن لم تحض.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: It is not appropriate for a divorced woman to go out except with her husband's permission until her waiting period ends - three menstrual cycles, or three months if she does not menstruate.

Hadith 28376

عن محمّد بن قيس، عن أبي جعفر (عليه السلام)، قال: المطلقة تعتد في بيتها، ولا ينبغي لها أن تخرج حتى تنقضي عدتها، وعدتها ثلاثة قروء، أو ثلاثة أشهر إلا أن تكون تحيض.

From Muhammad ibn Qays, from Abu Ja'far (peace be upon him), he said: The divorced woman observes her waiting period in her house, and it is not appropriate for her to go out until her waiting period ends. Her waiting period is three menstrual cycles, or three months unless she menstruates.

Hadith 28377

عن داود ابن سرحان، عن أبي عبدالله (عليه السلام)، قال: عدة المطلقة ثلاثة قروء، أو ثلاثة أشهر إن لم تكن تحيض. وعن حميد، عن ابن سماعة.

From Dawud ibn Sirhan, from Abu Abdullah (peace be upon him), he said: The waiting period (iddah) of the divorced woman is three menstrual cycles, or three months if she does not menstruate.

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CHAPTER 13

The Waiting Period (Iddah) Of One Who Menstruates Every Two Or Three Months

[Hadith 28378 to 28380]

Hadith 28378

عن عمار الساباطيّ، قال: سئل أبو عبدالله (عليه السلام) عن الرجل عنده امرأة شابّة، وهي تحيض في كل شهرين، أو ثلاثة أشهر حيضة واحدة، كيف يطلقها زوجها؟ فقال: أمر هذه شديد، هذه تطلق طلاق السنة تطليقة واحدة على طهر من غير جماع بشهود، ثمّ تترك حتى تحيض ثلاث حيض، متى حاضتها فقد انقضت عدتها

From Ammar al-Sabati, he said: Abu Abdullah (peace be upon him) was asked about a man who has a young wife who menstruates once every two or three months - how should her husband divorce her? He said: This matter is difficult. She is divorced according to the divorce of the Sunna - one divorce during a period of purity without intercourse, with witnesses. Then she is left until she menstruates three times. Whenever she completes her menstruations, her waiting period has ended.

قلت له: فإن مضت سنة ولم تحض فيها ثلاث حيض فقال: يتربص بها بعد السنة ثلاثة أشهر ثمّ قد انقضت عدتها،

I said to him: What if a year passes and she has not menstruated three times? He said: She waits after the year for three months, then her waiting period has ended.

قلت: فان ماتت أو مات زوجها؟ قال: أيهما مات ورثه صاحبه ما بينه وبين خمسة عشر شهرا.

I said: What if she dies or her husband dies? He said: Whichever of them dies, the other inherits from them up to fifteen months.

Hadith 28379

عن سورة بن كليب، قال: سئل أبو عبدالله (عليه السلام) عن رجل طلق امرأته تطليقة واحدة على طهر من غير جماع بشهود طلاق السنّة، وهي ممّن تحيض، فمضى ثلاثة أشهر فلم تحض إلاّ حيضة واحدة، ثمّ ارتفعت حيضتها حتى مضى ثلاثة أشهر اخرى، ولم تدر ما رفع حيضتها،

From Sura ibn Kulayb, he said: Abu Abdullah (peace be upon him) was asked about a man who divorced his wife with one divorce during a period of purity without intercourse, with witnesses - the divorce of the Sunna - and she was among those who menstruate. Three months passed and she only menstruated once, then her menstruation ceased until another three months passed, and she did not know what caused her menstruation to stop.

فقال: إن كانت شابة مستقيمة الطمث فلم تطمث في ثلاثة أشهر إلا حيضة ثمّ ارتفع طمثها، فلا تدري ما رفعها، فإنّها تتربص تسعة أشهر من يوم طلّقها، ثمّ تعتدّ بعد ذلك ثلاثة أشهر، ثمّ تزوج إن شاءت.

He said: If she was a young woman with regular menstruation, but did not menstruate in three

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months except once, then her menstruation stopped and she does not know what stopped it, then she waits nine months from the day he divorced her, then observes a waiting period of three months after that, then she may marry if she wishes.

أقول: موضوع هذا غير موضوع الذي قبله، لأنّه قد اعتبر هنا ارتفاع الحيض بعد المرّة الأوّلى، وقد عمل بها الشيخ وجماعة في الصورتين، وحملوا الأوّل على الاستحباب.

I (Hurr Amili) say: The subject matter of this is different from the one before it, because here the cessation of menstruation after the first time has been considered, and the Shaykh and a group have acted upon it in both scenarios, and they interpreted the first as recommended.

Hadith 28380

عن ابن محبوب، عن أبي مريم، عن أبي عبدالله (عليه السلام) في الرجل، كيف يطلق امرأته، وهي تحيض في كل ثلاثة أشهر حيضة واحدة؟ قال: يطلقها تطليقة واحدة في غرّة الشهر، إذا انقضت ثلاثة أشهر من يوم طلقها فقد بانت منه، وهو خاطب من الخطاب.

From Ibn Mahbub, from Abu Maryam, from Abu Abdullah (peace be upon him) regarding a man - how should he divorce his wife when she menstruates once every three months? He said: He divorces her with one divorce at the beginning of the month. When three months have passed from the day he divorced her, she has become separated from him, and he is a suitor among suitors.

أقول: حمله الشيخ على امرأة كان لها عادة بأن تحيض في كل شهر حيضة، فتعمل على عادتها، ويكون في مدّة ثلاثة أشهر ثلاث حيض، لما تقدّم في المسترابة. انتهى. والاقرب الحمل على مضي ثلاثة أشهر من غير حيض ؛ لما مرّ.

I (Hurr Amili) say: The Shaykh interpreted this regarding a woman who had a habit of menstruating once each month, so she acts according to her habit, and there would be three menstrual periods during the three months, based on what was mentioned previously regarding the woman with irregular cycles. End quote. The more probable interpretation is that it refers to the passage of three months without menstruation, based on what has already been discussed.

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CHAPTER 14

The Menstrual Periods (Al-Aqra') In The Waiting Period (Iddah) Are The Periods Of Purity (Al-Athar)

[Hadith 28381 to 28389]

Hadith 28381

عن زرارة، عن أبي جعفر (عليه السلام). قال: القرء ما بين الحيضتين.

From Zurarah, from Abu Ja'far (peace be upon him). He said: The quru' is what is between two menstruations.

Hadith 28382

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: القرء ما بين الحيضتين.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: The quru' is what is between two menstruations.

Hadith 28383

عن زرارة، عن أبي جعفر (عليه السلام)، قال: الاقراء هي الاطهار.

From Zurarah, from Abu Ja'far (peace be upon him), he said: The quru' (periods of waiting) are the states of purity.

Hadith 28384

عن زرارة، قال: قلت لابي عبدالله (عليه السلام): سمعت ربيعة الرأي يقول: من رأيي أن الاقراء التي سمى الله عزّ وجلّ في القرآن، إنّما هو الطهر فيما بين الحيضتين، فقال: كذب لم يقل برأيه، ولكنّه إنّما بلغه عن علي (عليه السلام)، فقلت: أكان علي (عليه السلام) يقول ذلك؟ فقال: نعم، إنّما القرء الطهر يقرؤ فيه الدم، فيجمعه، فاذا جاء المحيض دفعه.

From Zurarah, he said: I said to Abu Abdullah (peace be upon him): I heard Rabi'a al-Ra'y say: In my opinion, the quru' which Allah the Mighty and Glorious named in the Quran are the periods of purity between two menstruations. So he said: He lied - he did not speak from his own opinion, but rather this only reached him from Ali (peace be upon him). So I said: Did Ali (peace be upon him) used to say that? He said: Yes, the qar' (singular of quru') is indeed the period of purity in which the blood is gathered and collected, and when menstruation comes, it expels it.

Hadith 28385

عن أبي بصير، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: عدة التي تحيض ويستقيم حيضها ثلاثة قروء، والقرء جمع الدم بين الحيضتين.

From Abu Basir, from Abu Abdullah (peace be upon him) - in a hadith - he said: The waiting

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period for the woman who menstruates and whose menstruation is regular is three quru', and the qar' is the collection of blood between two menstruations.

Hadith 28386

عن موسى بن بكر، عن أبي جعفر (عليه السلام) ـ في حديث ـ ان عليا (عليه السلام) قال: إنما القرء ما بين الحيضتين.

From Musa ibn Bakr, from Abu Ja'far (peace be upon him) - in a hadith - that Ali (peace be upon him) said: The quru' is only what is between the two menstruations.

Hadith 28387

عن ابن أبي عمير، عن حماد عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: عدّة التي تحيض ويستقيم حيضها ثلاثة قروء، وهي ثلاث حيض.

From Ibn Abi Umayr, from Hammad, from al-Halabi, from Abu Abdullah (peace be upon him), he said: The waiting period for she who menstruates and whose menstruation is regular is three quru', and it is three menstruations.

أقول: حملهما الشيخ على التقية، قال: على أن قوله: (ثلاث حيض) يحتمل أن يكون مراده: إذا رأت الدم من الحيضة الثالثة فيكون قد مضى لها ثلاثة حيض، وليس فيه أنها تستوفي الحيضة الثالثة.

I (Hurr Amili) say: The Shaykh interpreted both of them as being due to taqiyyah. He said: However, his statement "three menstruations" could mean: when she sees the blood of the third menstruation, then three menstruations would have passed for her, and this does not require that she complete the third menstruation.

Hadith 28388

عبدالله بن جعفر في (قرب الإسناد): عن عبدالله بن الحسن، عن علي بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته عن المطلّقة، كم عدتها؟ فقال: ثلاث حيض، تعتدّ أول تطليقة.

Abdullah ibn Ja'far in (Qurb al-Isnad): From Abdullah ibn al-Hasan, from Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about the divorced woman, what is her waiting period? He said: Three menstrual cycles, she observes the waiting period from the first divorce.

Hadith 28389

عن محمّد بن مسلم، وزرارة، قالا: قال أبو جعفر (عليه السلام): القرء ما بين الحيضتين.

From Muhammad ibn Muslim and Zurarah, they said: Abu Ja'far (peace be upon him) said: The quru' (menstrual cycle) is what is between two menstruations.

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CHAPTER 15

A Woman Observing Waiting Period By Menstrual Cycles Exits The Waiting Period When She Enters The Third Menstruation, If The First Menstruation Was Delayed After The Divorce, Even If Slightly

[Hadith 28390 to 28409]

Hadith 28390

عن زرارة، عن أبي جعفر (عليه السلام)، قال: قلت له: أصلحك الله، رجل طلّق امرأته على طهر من غير جماع بشهادة عدلين، فقال: إذا دخلت في الحيضة الثالثة فقد انقضت عدتها، وحلت للازواج.

From Zurarah, from Abu Ja'far (peace be upon him), he said: I said to him: May Allah make you righteous, a man divorced his wife during a state of purity without having intercourse, with the testimony of two just witnesses. He said: When she enters the third menstruation, her waiting period has ended and she becomes lawful for marriage to others.

قلت له: أصلحك الله، إن أهل العراق يروون عن علي (عليه السلام) أنه قال: هو أحق برجعتها ما لم تغتسل من الحيضة الثالثة فقال: فقد كذبوا.

I said to him: May Allah make you righteous, the people of Iraq narrate from Ali (peace be upon him) that he said: He has more right to take her back as long as she has not performed the major ablution from the third menstruation. He said: They have lied.

Hadith 28391

عن إسماعيل الجعفي، عن أبي جعفر (عليه السلام)، قال: قلت له: رجل طلق امرأته، قال: هو أحق برجعتها ما لم تقع في الدم من الحيضة الثالثة.

From Isma'il al-Ju'fi, from Abu Ja'far (peace be upon him), he said: I said to him: A man divorced his wife. He said: He has more right to take her back as long as she has not fallen into the blood of the third menstruation.

Hadith 28392

عن زرارة، عن أحدهما (عليهما السلام) قال: المطلّقة ترث، وتورث حتى ترى الدم الثالث، فاذا رأته فقد انقطع.

From Zurarah, from one of them (peace be upon them both), he said: The divorced woman inherits and is inherited from until she sees the third menstrual blood, and when she sees it, it (the waiting period) has ended.

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Hadith 28393

عن زرارة، قال: قلت لابي جعفر (عليه السلام): إني سمعت ربيعة الرأي يقول: إذا رأت الدم من الحيضة الثالثة بانت منه، وإنّما القرء ما بين الحيضتين، وزعم أنه أخذ ذلك برأيه، فقال أبو جعفر (عليه السلام): كذب ـ لعمري ـ ما قال ذلك برأيه، ولكنه أخذه عن علي (عليه السلام).

From Zurarah, he said: I said to Abu Ja'far (peace be upon him): I heard Rabi'a al-Ra'y say: When she sees the blood of the third menstruation, she becomes separated from him, and the quru' is only what is between two menstruations, and he claimed that he derived this from his own opinion. So Abu Ja'far (peace be upon him) said: He lied - by my life - he did not say this from his own opinion, but he took it from Ali (peace be upon him).

قال: قلت له: وما قال فيها علي (عليه السلام)؟ قال: كان يقول: إذا رأت الدم من الحيضة الثالثة فقد انقضت عدّتها، ولا سبيل له عليها، وإنما القرء ما بين الحيضتين.

He said: I said to him: And what did Ali (peace be upon him) say regarding it? He said: He used to say: When she sees the blood of the third menstruation, her waiting period has ended, and he has no authority over her, and the quru' is only what is between two menstruations.

Hadith 28394

عن عبد الرحمن بن أبي عبدالله قال: سألت أبا عبدالله (عليه السلام) عن المرأة إذا طلّقها زوجها، متى تكون أملك بنفسها؟ قال: إذا رأت الدم من الحيضة الثالثة فهئ أملك بنفسها.

From Abd al-Rahman ibn Abi Abdullah, he said: I asked Abu Abdullah (peace be upon him) about the woman when her husband divorces her, when does she become in control of herself? He said: When she sees the blood of the third menstruation, then she is in control of herself.

Hadith 28395

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: سألته عن الرجل يطلق امرأته، متى تبين منه؟ قال: حين يطلع الدم من الحيضة الثالثة تملك نفسها.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: I asked him about a man who divorces his wife - when does she become separated from him? He said: When the blood appears from the third menstruation, she gains control over herself.

Hadith 28396

عن زرارة، عن أبي جعفر (عليه السلام)، قال: المطلّقة إذا رأت الدم من الحيضة الثالثة فقد بانت منه.

From Zurarah, from Abu Ja'far (peace be upon him), he said: The divorced woman, when she sees the blood from the third menstruation, has become separated from him.

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Hadith 28397

عن زرارة، عن أبي عبدالله (عليه السلام)، قال: المطلقة تبين من أول قطرة من الحيضة الثالثة، قال: قلت: بلغني أن ربيعة الرأي، قال: من رأيي أنها تبين عند أول قطرة، فقال: كذب ما هو من رأيه، إنّما هو شيء بلغه عن علي (عليه السلام).

From Zurarah, from Abu Abdullah (peace be upon him), he said: The divorced woman becomes separated from the first drop of the third menstruation. He said: I said: It has reached me that Rabi'a al-Ra'y said: In my opinion, she becomes separated at the first drop. So he said: He lied - it is not from his opinion. Rather, it is something that reached him from Ali (peace be upon him).

Hadith 28398

عن زرارة، عن أبي جعفر (عليه السلام)، قال: أول دم رأته من الحيضة الثلاثة فقد بانت منه.

From Zurarah, from Abu Ja'far (peace be upon him), he said: The first blood she sees from the third menstruation, she has become irrevocably separated from him.

Hadith 28399

عن زرارة، عن أبي جعفر (عليه السلام)، قال: سمعته يقول: المطلقة تبين عند أول قطرة من الدم في القرء الاخير.

From Zurarah, from Abu Ja'far (peace be upon him), he said: I heard him say: The divorced woman becomes irrevocably separated at the first drop of blood in the final menstrual period.

Hadith 28400

عن إسماعيل الجعفي، عن أبي جعفر (عليه السلام) في الرجل يطلق امرأته، قال: هو أحق برجعتها ما لم تقع في الدم الثالث.

From Isma'il al-Ju'fi, from Abu Ja'far (peace be upon him) regarding a man who divorces his wife, he said: He has more right to take her back as long as she has not entered into the third blood.

Hadith 28401

عن عبدالله بن ميمون، عن أبي عبدالله (عليه السلام)، عن أبيه، قال: قال علي (عليه السلام): إذا طلق الرجل المرأة فهو أحق بها ما لم تغسل من الثالثة.

From Abdullah ibn Maymun, from Abu Abdullah (peace be upon him), from his father, who said: Ali (peace be upon him) said: When a man divorces a woman, he has more right to her as long as she has not washed from the third (menstruation).

أقول: حمله الشيخ على التقية ؛ لما مضى، ويأتي.

I (Hurr Amili) say: The Shaykh interpreted this as taqiyyah based on what has passed and what is to come.

Hadith 28402

عن إسحاق بن عمار، عمن حدثه، عن أبي عبدالله (عليه السلام)، قال: جاءت امرأة إلى عمر تسأله عن طلاقها، فقال: اذهبي إلى هذا فاسأليه ـ يعني: عليّاً (عليه السلام) ـ فقالت لعلي (عليه السلام): إن زوجي طلقني، قال: غسلت فرجك؟ فرجعت إلى

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عمر فقالت، أرسلتني إلى رجل يلعب، فردها إليه مرّتين، كلّ ذلك ترجع فتقول: يلعب،

From Ishaq ibn Ammar, from one who narrated to him, from Abu Abdullah (peace be upon him), who said: A woman came to Umar asking him about her divorce. He said: Go to this one and ask him - meaning Ali (peace be upon him). She said to Ali (peace be upon him): My husband divorced me. He said: Have you washed your private parts? She returned to Umar and said: You sent me to a man who is playing around. He sent her back to him twice, and each time she would return saying: He is playing around.

فقال لها: انطلقي إليه، فانه أعلمنا، قال: فقال لها علي (عليه السلام): غسلت فرجك؟ قالت: لا، قال: فزوجك أحق ببضعك ما لم تغسلي فرجك.

So he (Umar) told her: Go to him, for he is the most knowledgeable among us. Ali (peace be upon him) said to her: Have you washed your private parts? She said: No. He said: Then your husband has more right to your intimate parts as long as you have not washed your private parts.

أقول: حمله الشيخ على التقية في الفتوى، أو في الرواية، ويمكن حمله على الاستحباب بالنسبة إلى المرأة، بمعنى: أنه يستحب لها ترك التزويج إلى أن تغتسل، ويحتمل الحمل على إرادة أول الحيضة الثالثة لا آخرها؛ لأنّ غسل الفرج غير غسل الحيض، فكأنّه قال لها: هل رأيت دما من الحيضة الثالثة تحتاجين معه إلى غسل الفرج منه؛ للتنظيف، أو حال الاستنجاء؟

I (Hurr Amili) say: The Shaykh interpreted this as taqiyyah either in the legal opinion or in the narration. It is possible to interpret it as recommended for the woman, meaning that it is recommended for her to refrain from remarriage until she performs the major ablution. It is also possible to interpret it as referring to the beginning of the third menstruation rather than its end, because washing the private parts is different from the post-menstrual ablution. It is as if he said to her: Have you seen blood from the third menstruation that would require you to wash your private parts from it for cleanliness, or during the process of cleaning oneself?

Hadith 28403

عن رفاعة، عن أبي عبدالله (عليه السلام)، قال: سألته عن المطلقة حين تحيض، لصاحبها عليها رجعة؟ قال: نعم حتى تطهر.

From Rifa'a, from Abu Abdullah (peace be upon him), who said: I asked him about the divorced woman when she menstruates - does her husband have the right of return to her? He said: Yes, until she becomes pure.

أقول: حمله الشيخ على الحيضة الأوّلى والثانية دون الثالثة، يعني: أنّ له الرجوع في الحيض، كما له الرجوع في الطهر.

I (Hurr Amili) say: The Shaykh interpreted this as applying to the first and second menstruations but not the third, meaning that he has the right to return during menstruation just as he has the right to return during the period of purity.

Hadith 28404

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام) في الرجل يطلق امرأته تطليقة على طهر من غير جماع، يدعها حتى تدخل في قرئها الثالث، ويحضر غسلها، ثمّ يراجعها، ويشهد على رجعتها، قال: هو أملك بها ما لم تحل لها الصلاة. أقول: تقدم وجهه.

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From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him) regarding a man who divorces his wife with one divorce during a state of purity without intercourse, then leaves her until she enters her third menstrual period and witnesses her ritual bath, then takes her back and has witnesses to his taking her back. He said: He has authority over her as long as the prayer has not become lawful for her. I (Hurr Amili) say: Its explanation has already been given.

Hadith 28405

عن الحسن بن زياد، عن أبي عبدالله (عليه السلام)، قال: هي ترث وتورث ما كان له الرجعة بين التطليقتين الأوّلتين، حتّى تغتسل.

From al-Hasan ibn Ziyad, from Abu Abdullah (peace be upon him), he said: She inherits and is inherited from as long as the man has the right of taking her back between the first two divorces, until she performs the ritual bath.

أقول: قد عرفت أن الشيخ حمله على التقية.

I (Hurr Amili) say: You have already learned that the Shaykh interpreted this as being due to taqiyyah.

Hadith 28406

عن علي بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته عن الرجل يطلق تطليقة أو اثنتين، ثمّ يتركها حتى تنقضي عدّتها، ما حالها؟ قال: إذا تركها على أنه لا يريدها بانت منه، ولم تحل له حتى تنكح زوجا غيره، وإن تركها على أنه يريد مراجعتها، ثمّ مضى لذلك سنة، فهو أحق برجعتها.

From Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about a man who divorces with one or two divorces, then leaves her until her waiting period expires - what is her status? He said: If he leaves her with the intention that he does not want her, she becomes definitively separated from him and is not lawful for him until she marries another husband. But if he leaves her with the intention that he wants to take her back, then a year passes in that state, he still has the greater right to take her back.

Hadith 28407

عن عمار الساباطي، عن أبي عبدالله (عليه السلام) نحوه، إلا أنه قال: ثمّ تركها ستّة أشهر، فلا بأس أن يراجعها. الحديث.

From Ammar al-Sabati, from Abu Abdullah (peace be upon him), similar to it, except that he said: Then he left her for six months, so there is no harm in him taking her back.

أقول: ذكر الشيخ: أنّ الخبرين متروكان باجماع الأمّة، على أنه لا يجوز الرجوع بعد العدّة. انتهى. ويحتمل الحمل على الرجوع بعقد جديد، أو على المستراية ؛ لما مرّ، وينبغي حمل عدم إرادة المراجعة على الطلاق ثلاثاً، وإرادتها على ما دونها، وقد تقدم ما يدل على ذلك أيضا.

I (Hurr Amili) say: The Sheikh mentioned that the two reports are abandoned by consensus of the nation, that it is not permissible to return after the waiting period has ended. And it is possible to interpret this as returning through a new contract, or regarding the woman whose situation is

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doubtful, based on what has passed. It is appropriate to interpret the lack of intention to take back as referring to triple divorce, and the intention of taking back as referring to what is less than that, and what indicates this has already been mentioned.

Hadith 28408

عن زرارة، عن أبي جعفر (عليه السلام): انّ عليّاً (عليه السلام) كان يقول: إنما القرء الطهر، يقرء فيه الدم، فتجمعه، فاذا جاء الحيض قذفته، قلت: رجل طلق امرأته طاهرا من غير جماع بشهادة عدلين، قال: إذا دخلت في الحيضة الثالثة انقضت عدتها، وحلّت للأَزواج،

From Zurarah, from Abu Ja'far (peace be upon him): That Ali (peace be upon him) used to say: The quru' is only the state of purity, in which the blood is read/recited, so it gathers it, and when menstruation comes it expels it. I said: A man divorced his wife while she was pure without intercourse, with the testimony of two just witnesses. He said: When she enters the third menstruation, her waiting period ends and she becomes lawful for husbands.

قلت: إن أهل العراق يروون عن علي (عليه السلام): أنه أحق برجعتها ما لم تغتسل من الحيضة الثالثة، فقال: كذبوا.

I said: The people of Iraq narrate from Ali (peace be upon him) that he has more right to take her back as long as she has not performed the ritual bath from the third menstruation. So he said: They lied.

Hadith 28409

وعن محمّد بن مسلم، قال: سألت أبا جعفر (عليه السلام) عن رجل طلق امرأته، متى تبين منه؟ قال: إذا طلع الدم من الحيضة الثالثة.

And from Muhammad ibn Muslim, he said: I asked Abu Ja'far (peace be upon him) about a man who divorces his wife, when does she become separate from him? He said: When the blood appears from the third menstruation.

أقول: وتقدم ما يدل على ذلك، ويأتي ما يدل عليه، وهذه الاحاديث مبنية على الغالب من تأخر الحيض الأوّل عن الطلاق ولو يسيرا، فلو اتفق حصول الحيض بعد الطلاق بغير فصل، لم تخرج من العدة برؤية الدم الثالث : لما تقدم من أن العدة ثلاثة قروء، وأن الاقراء هي الاطهار، أشار إلى ذلك الشيخان وغيرهما، ولاجل ندور هذا الفرض وقع الاطلاق في هذه الاحاديث، والله أعلم.

I (Hurr Amili) say: What indicates this has preceded and what indicates it will come. These hadiths are based on the usual case of the first menstruation being delayed after the divorce even slightly. If it happens that menstruation occurs immediately after divorce without interval, she would not exit from the waiting period by seeing the third blood, because what has preceded states that the waiting period is three quru', and the aqra' are the states of purity. The two Sheikhs and others have indicated this, and due to the rarity of this case, these hadiths were stated in general terms, and Allah knows best.

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CHAPTER 16

The Woman Observing Waiting Period By Menstrual Cycles, When She Sees Blood At The Beginning Of The Third Menstruation, May Marry With Some Dislike, But She May Not Give Herself (To Her Husband) Until She Becomes Pure

[Hadith 28410 to 28412]

Hadith 28410

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام) قال: سألته عن الرجل، يطلق أمراته متى تبين منه؟ قال: حين يطلع الدم من الحيضة الثالثة تملك نفسها، قلت: فلها أن تتزوج في تلك الحال؟ قال: نعم، ولكن لا تمكن من نفسها حتى تطهر من الدم.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: I asked him about a man who divorces his wife - when does she become separated from him? He said: When the blood appears from the third menstruation, she has control over herself. I said: May she marry in that state? He said: Yes, but she may not give herself until she becomes pure from the blood.

Hadith 28411

عن زرارة، عن أبي جعفر (عليه السلام) ـ في حديث ـ قال: إذا دخلت في الحيضة الثالثة فقد انقضت عدتها، وحلّت للازواج.

From Zurarah, from Abu Ja'far (peace be upon him) - in a hadith - he said: When she enters into the third menstruation, her waiting period has ended and she becomes lawful for marriage.

Hadith 28412

عن زرارة، عن أبي جعفر (عليه السلام) ـ في حديث ـ: ان عليا (عليه السلام) قال: إذا رأت الدم من الحيضة الثالثة فقد انقضت عدّتها، ولا سبيل له عليها، وإنما القرء ما بين الحيضتين، وليس لها أن تزوج حتى تغتسل من الحيضة الثالثة.

From Zurarah, from Abu Ja'far (peace be upon him) - in a hadith - that Ali (peace be upon him) said: When she sees blood from the third menstruation, her waiting period has ended and he has no authority over her. The qur' (waiting period) is what is between the two menstruations. It is not permissible for her to marry until she performs ghusl from the third menstruation.

أقول: حمله الشيخ على الكراهة، ويمكن حمله على عدم جواز تمكين الزوج من الوطء في الفرج، وقد تقدم ما يدل على المقصود، وتقدم أيضا ما يدل كراهة الوطء بعد الطهر، وقبل الغسل في النفاس.

I (Hurr Amili) say: The Shaykh interpreted this as referring to dislike (karaha), and it is possible to interpret it as referring to the impermissibility of enabling the husband to have vaginal intercourse. What indicates the intended meaning has preceded, and what indicates the dislike of intercourse after purification but before ghusl in postpartum bleeding has also preceded.

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CHAPTER 17

The Ruling On What Happens If Menstruation Comes Earlier Than The Usual Time

[Hadith 28413 to 28413]

Hadith 28413

عن عبد الرحمن بن أبي عبدالله، قال: سألت أبا عبدالله (عليه السلام) عن المرأة إذا طلقها زوجها، متى تكون أملك بنفسها؟ قال: إذا رأت الدم من الحيضة الثالثة فهي أملك بنفسها.

From Abd al-Rahman ibn Abi Abdullah, he said: I asked Abu Abdullah (peace be upon him) about a woman when her husband divorces her - when does she become in control of herself? He said: When she sees the blood of the third menstruation, then she is in control of herself.

قلت: فان عجل الدم عليها قبل أيام قرئها، فقال: إذا كان الدم قبل عشرة أيام فهو أملك بها، وهو من الحيضة التي طهرت منها، وإن كان الدم بعد العشرة أيام فهو من الحيضة الثالثة، وهي أملك بنفسها.

I said: What if the blood comes to her early, before the days of her menstrual cycle? He said: If the blood comes before ten days, then he (the husband) still has control over her, and it is from the menstruation from which she had already purified herself. But if the blood comes after ten days, then it is from the third menstruation, and she is in control of herself.

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CHAPTER 18

The Obligation Of A Woman Divorced With Revocable Divorce To Remain In Her Husband's House During The Waiting Period ('Iddah), So She Does Not Leave Except With Permission, And She Does Not Leave Unless She Commits An Indecency

[Hadith 28414 to 28420]

Hadith 28414

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: لا ينبغي للمطلقة أن تخرج إلا باذن زوجها حتى تنقضي عدتها ثلاثة قروء، أو ثلاثة أشهر إن لم تحض.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: It is not proper for a divorced woman to leave except with her husband's permission until her waiting period expires - three menstrual cycles, or three months if she does not menstruate.

Hadith 28415

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: لا يضار الرجل امرأته إذا طلّقها، فيضيّق عليها (قبل أن) تنتقل، قبل أن تنقضي عدتها، فان الله قد نهى عن ذلك، فقال: (ولا تضاروهن لتضيقوا عليهن).

From al-Halabi, from Abu Abdullah (peace be upon him), he said: A man should not harm his wife when he divorces her by making things difficult for her before she moves, before her waiting period expires, for indeed Allah has forbidden that, so He said: And do not harm them in order to make things difficult for them [Quran, 65:6].

Hadith 28416

عن سماعة بن مهران، قال: سألته عن المطلّقة، أين تعتدُّ؟ فقال: في بيتها، لا تخرج.

From Sama'a ibn Mihran, he said: I asked him about the divorced woman, where should she observe her waiting period? He said: In her house, she should not go out.

Hadith 28417

عن إسحاق بن عمار، عن أبي الحسن (عليه السلام)، قال: سألته عن المطلّقة، أين تعتد؟ فقال: في بيت زوجها.

From Ishaq ibn Ammar, from Abu al-Hasan (peace be upon him), he said: I asked him about the divorced woman, where should she observe her waiting period? He said: In her husband's house.

Hadith 28418

عن أبي الصباح الكناني، عن أبي عبدالله (عليه السلام)، قال تعتد المطلقة في بيتها، ولا ينبغي للزوج إخراجها، ولا تخرج هي.

From Abu al-Sabah al-Kinani, from Abu Abdullah (peace be upon him), he said: The divorced

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woman should observe her waiting period in her house, and it is not proper for the husband to expel her, nor should she go out.

Hadith 28419

عن أبي بصير، عن أحدهما (عليهما السلام) في المطلّقة، أين تعتد؟ فقال: في بيتها إذا كان طلاقا له عليها رجعة، ليس له أن يخرجها، ولا لها أن تخرج حتى تنقضي عدتها.

From Abu Basir, from one of the two Imams (peace be upon them) regarding the divorced woman - where should she observe her waiting period? He said: In her house if it was a divorce in which he has the right to take her back. He does not have the right to expel her, nor does she have the right to leave until her waiting period ends.

Hadith 28420

عن أبي العبّاس، قال: لا ينبغي للمطلقة أن تخرج إلا باذن زوجها، حتّى تنقضي عدتها ثلاثة قروء، أو ثلاثة أشهر إن لم تحض.

From Abu al-Abbas, he said: It is not appropriate for the divorced woman to leave except with her husband's permission, until her waiting period ends - three menstrual cycles, or three months if she does not menstruate.

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CHAPTER 19

That A Woman Divorced Revocably, If She Wishes To Visit, May Go Out After Midnight, Not Before It, And Not During The Day.

[Hadith 28421 to 28421]

Hadith 28421

عن سماعة بن مهران، قال: سألته عن المطلّقة، أين تعتد؟ قال: في بيتها، لا تخرج، وإن أرادت زيارة خرجت بعد نصف الليل، ولا تخرج نهارا، وليس لها أن تحج حتى تنقضي عدتها، وسألته عن المتوفى عنها زوجها أكذلك هي؟ قال: نعم، وتحجُّ إن شاءت.

From Sama'a ibn Mihran, he said: I asked him about the divorced woman, where should she observe her waiting period? He said: In her house, she should not go out. And if she wishes to visit, she may go out after midnight, and she should not go out during the day. She is not permitted to perform pilgrimage until her waiting period expires. And I asked him about the woman whose husband has died, is she the same? He said: Yes, and she may perform pilgrimage if she wishes.

ورواه الصدوق بإسناده عن سماعة، عن أبي عبدالله (عليه السلام) نحوه. إلا أنه ترك حكم المتوفى عنها، وقال: خرجت بعد نصف الليل، ورجعت قبل نصف الليل.

Al-Saduq narrated it with his chain from Sama'a, from Abu Abdullah (peace be upon him) similarly, except that he omitted the ruling about the woman whose husband died, and said: She goes out after midnight and returns before midnight.

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CHAPTER 20

Obligation Of Maintenance And Housing For The Woman In Revocable Waiting Period, Not The Irrevocably Divorced

[Hadith 28422 to 28423]

Hadith 28422

عن سعد بن أبي خلف، قال: سألت أبا الحسن موسى (عليه السلام) عن شيء من الطلاق، فقال: إذا طلق الرجل امرأته طلاقا لا يملك فيه الرجعة فقد بانت منه ساعة طلّقها، وملكت نفسها، ولا سبيل له عليها، وتعتد حيث شاءت ولا نفقة لها.

From Sa'd ibn Abi Khalaf, he said: I asked Abu al-Hasan Musa (peace be upon him) about something regarding divorce. He said: When a man divorces his wife with a divorce in which he does not possess the right of return, she becomes separated from him at the moment he divorced her, and she owns herself, and he has no authority over her. She observes her waiting period wherever she wishes and has no right to maintenance.

قلت: أليس الله عزّ وجلّ يقول: (لا تخرجوهن من بيوتهن ولا يخرجن)

I said: Does not Allah, Mighty and Majestic, say: "Do not expel them from their homes, nor should they leave"? [Quran, 65:1]

قال: فقال: إنما عنى بذلك: التي تطلق تطليقة بعد تطليقة، فتلك التي لا تخرج، ولا تخرج حتى تطلّق الثالثة، فاذا طلقت الثالثة فقد بانت منه، ولا نفقة لها، والمرأة التي يطلقها الرجل تطليقة، ثمّ يدعها حتى يخلو أجلها، فهذه أيضا تقعد في منزل زوجها، ولها النفقة والسكنى حتى تنقضي عدتها.

He said: That only refers to the woman who is divorced once after another divorce. That is the one who does not leave and should not leave until she is divorced the third time. When she is divorced the third time, she becomes separated from him and has no right to maintenance. As for the woman whom a man divorces once, then leaves her until her term expires, she also remains in her husband's house and has the right to maintenance and housing until her waiting period ends.

Hadith 28423

الفضل بن الحسن الطبرسي في (مجمع البيان): قال: تجب السكنى والنفقة للمطلّقة الرجعيّة بلا خلاف، فأمّا المبتوتة، فقيل: لا سكنى لها، ولا نفقة، وهو المرويُّ عن أئمة الهدى (عليهم السلام).

Al-Fadl ibn al-Hasan al-Tabarsi in "Majma' al-Bayan" said: Housing and maintenance are obligatory for the revocably divorced woman without disagreement. As for the irrevocably divorced woman, it is said she has no right to housing or maintenance, and this is what is narrated from the Imams of Guidance (peace be upon them).

أقول: وتقدم ما يدل على ذلك في النفقات، ويأتي ما يدل عليه.

I (Hurr Amili) say: What indicates this has already been mentioned in the section on maintenance,

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and what supports it will come.

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CHAPTER 21

It Is Recommended For A Woman Who Has Been Given A Revocable Divorce Specifically To Adorn Herself And Beautify Herself And Display This To Her Husband During The Waiting Period, And Mourning Is Not Obligatory Upon Her

[Hadith 28424 to 28429]

Hadith 28424

عن أبي بصير، عن أبي عبدالله (عليه السلام) في المطلّقة تعتد في بيتها، وتظهر له زينتها، (لعل الله يحدث بعد ذلك أمرا).

From Abu Basir, from Abu Abdullah (peace be upon him) regarding the divorced woman: She observes her waiting period in her house and displays her adornment to him, "... perhaps Allah will bring about after that some new situation (matter)." [Quran, 65:1]

Hadith 28425

عن زرارة، عن أبي عبدالله (عليه السلام) قال: المطلقة تكتحل، وتختضب، وتطيب، وتلبس ما شاءت من الثياب؛ لأن الله عزّ وجلّ يقول: (لعل الله يحدث بعد ذلك أمرا) لعلها أن تقع في نفسه فيراجعها.

From Zurarah, from Abu Abdullah (peace be upon him) who said: The divorced woman may apply kohl to her eyes, dye herself with henna, apply perfume, and wear whatever clothing she wishes, because Allah the Mighty and Majestic says: "... perhaps Allah will bring about after that some new situation (matter)" [Quran, 65:1] - perhaps she may appeal to his heart so he will take her back.

Hadith 28426

عن زرارة، عن أبي جعفر (عليه السلام)، قال: عدة المتوفى عنها زوجها آخر الاجلين؛ لأنّ عليها، أن تحد أربعة أشهر وعشراً، وليس عليها في الطلاق أن تحد.

From Zurarah, from Abu Ja'far (peace be upon him), who said: The waiting period of a woman whose husband has died is the longer of the two terms, because she must observe mourning for four months and ten days, while she is not required to observe mourning in case of divorce.

Hadith 28427

عن محمّد بن قيس، عن أبي جعفر (عليه السلام) ـ قال: المطلقة تسوف لزوجها ما كان له عليها رجعة، ولا يستأذن عليها.

From Muhammad ibn Qays, from Abu Ja'far (peace be upon him), who said: The divorced woman should beautify herself for her husband as long as he has the right of return over her, and he does not need to seek permission to enter upon her.

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Hadith 28428

عن مسمع بن عبد الملك، عن أبي عبدالله (عليه السلام)، عن علي (عليه السلام)، قال: المطلقة تحد كما تحد المتوفى عنها زوجها، ولا تكتحل، ولا تطيب، ولا تختضب، ولا تمتشط.

From Musma' ibn Abd al-Malik, from Abu Abdullah (peace be upon him), from Ali (peace be upon him), who said: The divorced woman observes mourning as the woman whose husband has died observes mourning - she does not apply kohl, does not use perfume, does not dye her hands with henna, and does not comb her hair.

أقول: خصه الشيخ بالمطلّقة البائنة، وحمله على الاستحباب ؛ لما تقدم، ويمكن حمله على أنها تحد إذا توفي لها قرابة، كما تحد إذا توفي زوجها، لا لاجل الطلاق ؛ لما يأتي.

I (Hurr Amili) say: The Shaykh specified this for the irrevocably divorced woman and interpreted it as recommended, based on what has preceded. It is possible to interpret it as meaning that she observes mourning when a relative dies for her, just as she observes mourning when her husband dies, not because of the divorce, based on what follows.

Hadith 28429

عبدالله بن جعفر في (قرب الإسناد): عن عبدالله بن الحسن، عن عليّ بن جعفر، عن أخيه موسى بن جعفر (عليه السلام)، قال: سألته عن المطلّقة، لها أن تكتحل، وتختضب،أو تلبس ثوبا مصبوغا؟ قال: لا بأس، إذا فعلته من غير سوء.

From Ali ibn Ja'far, from his brother Musa ibn Ja'far (peace be upon him), he said: I asked him about the divorced woman - is it permissible for her to apply kohl, use henna, or wear dyed clothing? He said: There is no harm if she does it without evil intent.

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CHAPTER 22

It Is Not Permissible For A Woman To Perform Recommended Pilgrimage During The Revocable Waiting Period Without Her Husband's Permission, But It Is Permissible For Her To Perform Obligatory Pilgrimage Without Permission, And Likewise During The Irrevocable Waiting Period, Both Obligatory And Recommended.

[Hadith 28430 to 28432]

Hadith 28430

عن محمّد بن مسلم، قال: المطلقة تحجُّ، وتشهد الحقوق.

From Muhammad ibn Muslim, he said: The divorced woman may perform pilgrimage and attend to legal matters.

Hadith 28431

عن معاوية بن عمّار، عن أبي عبدالله (عليه السلام)، قال: سمعته يقول: المطلقة تحج في عدتها إن طابت نفس زوجها.

From Muawiya ibn Ammar, from Abu Abdullah (peace be upon him), he said: I heard him say: The divorced woman may perform pilgrimage during her waiting period if her husband's heart is content with it.

Hadith 28432

عن عثمّان بن عيسى، عن سماعة، قال: سألته عن المطلّقة، أين تعتد؟ فقال: في بيتها - إلى أن قال: - وليس لها أن تحج حتى تنقضي عدتها. وسألته عن المتوفى عنها زوجها، أكذلك هي؟ قال: نعم، وتحج إن شاءت.

From Uthman ibn Isa, from Sama'a, he said: I asked him about the divorced woman - where should she observe her waiting period (iddah)? He said: In her house - until he said - and she is not permitted to perform hajj until her waiting period expires. And I asked him about the woman whose husband has died, is she the same? He said: Yes, and she may perform hajj if she wishes.

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CHAPTER 23

Permissibility Of Expelling A Woman In Revocable Waiting Period When She Commits A Clear Indecency, And Its Interpretation

[Hadith 28433 to 28438]

Hadith 28433

عن علي بن إبراهيم، عن أبيه، عن بعض أصحابه، عن الرضا (عليه السلام) في قوله تعالى: (لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة) قال: أذاها لأهل زوجها، وسوء خلقها.

From Ali ibn Ibrahim, from his father, from some of his companions, from al-Rida (peace be upon him) regarding the saying of the Almighty: "Do not expel them from their houses, nor should they leave unless they commit a clear indecency." [Quran, 65:1] He said: Her harming the family of her husband, and her bad character.

Hadith 28434

عن محمّد بن علي بن جعفر، قال: سأل المأمون الرضا (عليه السلام) عن قول الله عزّ وجلّ: (ولا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة) قال: يعني بالفاحشة المبيّنة: أن تؤذي أهل زوجها، فاذا فعلت فان شاء أن يخرجها من قبل أن تنقضي عدتها فعل.

From Muhammad ibn Ali ibn Ja'far, he said: Al-Ma'mun asked al-Rida (peace be upon him) about the saying of Allah, the Mighty and Majestic: "And do not expel them from their houses, nor should they leave unless they commit a clear indecency." [Quran, 65:1] He said: By "clear indecency" is meant: that she harms the family of her husband. So when she does this, if he wishes to expel her before her waiting period expires, he may do so.

Hadith 28435

محمّد بن عليّ بن الحسين، قال: سئل الصادق (عليه السلام) عن قول الله عزّ وجلّ: (واتقوا الله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة) قال: إلا أن تزني، فتخرج، ويقام عليها الحد.

Muhammad ibn Ali ibn al-Husayn said: Al-Sadiq (peace be upon him) was asked about the saying of Allah, Mighty and Majestic: "And fear Allah your Lord, and do not expel them from their houses, nor should they leave unless they commit a clear indecency." [Quran, 65:1] He said: Except that she commits adultery, then she is expelled and the prescribed punishment is carried out upon her.

Hadith 28436

وفي كتاب (إكمال الدين): بسند تقدّم في الاجارة في أحاديث ضمان الصائغ إذا أفسد، عن سعد بن عبدالله، عن صاحب الزمان (عليه السلام)، قال: قلت له: أخبرني عن الفاحشة المبينة التي أذا أتت المرأة بها في أيّام عدّتها، حلّ للزوج أن يخرجها

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من بيته،

And in the book "Ikmal al-Din": With a chain of narration that was mentioned previously in the chapter on hiring regarding the narrations about the goldsmith's liability when he causes damage, from Sa'd ibn Abdullah, from the Master of the Time (peace be upon him), he said: I said to him: Tell me about the clear indecency/immorality which, if a woman commits it during her waiting period, makes it lawful for the husband to expel her from his house.

قال (عليه السلام): الفاحشة المبينة هي السحق دون الزنا، فإن المرأة إذا زنت، وأُقيم عليها الحدّ، ليس لمن أرادها أن يمتنع بعد ذلك من التزويج بها لاجل الحد، وإذا سحقت وجب عليها الرجم، والرجم خزي، ومن قد أمر الله عزّ وجلّ برجمه فقد أخزاه، ومن أخزاه فقد أبعده، ومن أبعده فليس لاحد أن يقربه.

He (peace be upon him) said: The clear indecency is lesbianism rather than adultery, for when a woman commits adultery and the prescribed punishment is carried out upon her, it is not lawful for one who desires her to refrain afterward from marrying her because of the punishment. But when she engages in lesbianism, stoning becomes obligatory upon her, and stoning is disgrace. Whoever Allah, Mighty and Majestic, has commanded to be stoned, He has disgraced, and whoever He has disgraced, He has distanced, and whoever He has distanced, it is not for anyone to approach.

أقول: هذا محمول على أن السحق أعظم أفراد الفاحشة المبيّنة، جمعاً بينه وبين ما مضى، ويأتي.

I (Hurr Amili) say: This is understood to mean that lesbianism is the gravest form of clear indecency/immoraility, reconciling it with what has preceded and what follows.

Hadith 28437

الفضل بن الحسن الطبرسي في (مجمع البيان) في قوله تعالى: (ولا تخرجوهن من بيوتهن إلا أن يأتين بفاحشة مبينة) قال: قيل: هي البذاء على أهلها، فيحلّ لهم إخراجها، وهو المرويُّ عن أبي جعفر وأبي عبدالله (عليهما السلام).

Al-Fadl ibn al-Hasan al-Tabrisi in "Majma' al-Bayan" regarding His saying, Exalted: "And do not expel them from their houses, nor should they leave unless they commit a clear indecency." [Quran, 65:1], he said: It is obscene speech toward her family, so it becomes lawful for them to expel her, and this is what is narrated from Abu Ja'far and Abu Abdullah (peace be upon them both).

Hadith 28438

قال: وروى عليّ بن أسباط، عن الرضا (عليه السلام)، قال: الفاحشة أن تؤذي أهل زوجها، وتسبّهم.

He said: And Ali ibn Asbat narrated from al-Rida (peace be upon him), who said: Indecency is that she harms her husband's family and curses them.

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CHAPTER 24

When A Woman Claims The Completion Of Her Waiting Period (Iddah) With Possibility, Her Statement Is Accepted

[Hadith 28439 to 28440]

Hadith 28439

عن زرارة، عن أبي جعفر (عليه السلام)، قال: العدة والحيض للنساء، إذا ادّعت صدّقت.

From Zurarah, from Abu Ja'far (peace be upon him), who said: The waiting period (iddah) and menstruation are matters for women - when she claims something regarding them, she is believed.

Hadith 28440

الفضل بن الحسن الطبرسي في (مجمع البيان): عن الصادق (عليه السلام) في قوله تعالى: (ولا يحل لهن أن يكتمن ما خلق الله في أرحامهن) قال: قد فوض الله إلى النساء ثلاثة أشياء: الحيض، والطهر، والحمل.

Al-Fadl ibn al-Hasan al-Tabarsi in "Majma' al-Bayan": From al-Sadiq (peace be upon him) regarding the Almighty's saying: "And it is not lawful for them to conceal what Allah has created in their wombs [Quran, 2:228]", he said: Allah has delegated to women three matters: menstruation, purity, and pregnancy.

أقول: وتقدم ما يدل على ذلك في الحيض.

I (Hurr Amili) say: What indicates this has already been mentioned in the chapter on menstruation.

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CHAPTER 25

The Waiting Period Of A Woman Suspected Of Pregnancy

[Hadith 28441 to 28445]

Hadith 28441

عن عبد الرحمن بن الحجّاج، قال: سمعت أبا إبراهيم (عليه السلام) يقول: إذا طلق الرجل امرأته، فادَّعت حبلا انتظر بها تسعة أشهر، فإن ولدت، وإلاّ اعتدت بثلاثة أشهر، ثمّ قد بانت منه.

From Abd al-Rahman ibn al-Hajjaj, he said: I heard Abu Ibrahim (peace be upon him) say: When a man divorces his wife and she claims to be pregnant, he should wait nine months with her. If she gives birth, [her waiting period ends]; otherwise, she observes a waiting period of three months, then she is separated from him.

Hadith 28442

عن محمّد بن حكيم، عن أبي الحسن (عليه السلام)، قال: قلت له: المرأة الشابة التي تحيض مثلها يطلقها زوجها، فيرتفع طمثها، كم عدَّتها؟ قال: ثلاثة أشهر، قلت: فانها ادعت الحبل بعد ثلاثة أشهر، قال: عدتها تسعة أشهر، قلت: فانها ادعت الحبل بعد تسعة أشهر، قال: إنما الحمل تسعة أشهر.

From Muhammad ibn Hakim, from Abu al-Hasan (peace be upon him), he said: I said to him: A young woman who menstruates like others is divorced by her husband, then her menstruation stops/ceases - what is her waiting period? He said: Three months. I said: What if she claims pregnancy after three months? He said: Her waiting period is nine months. I said: What if she claims pregnancy after nine months? He said: Pregnancy is only nine months.

قلت: تزوج، قال: تحتاط بثلاثة أشهر، قلت: فإنها ادعت بعد ثلاثة أشهر، قال: لا ريبة عليها، تزوّج إن شاءت.

I said: May she remarry? He said: She should be cautious for [an extra *] three months. I said: What if she claims [pregnancy] after [those] three months? He said: There is no suspicion upon her; she may marry if she wishes.

Translator: * This applies to the specific case for the woman whose menstruation stopped after divorce, creating genuine doubt about pregnancy. Note that the waiting for an additional 3 months after completion of the iddah period is a recommended precaution not a legal obligation.

Hadith 28443

عن ابن حكيم، عن أبي إبراهيم (أو ابنه) (عليهما السلام)، أنّه قال في المطلقة يطلقها زوجها، فتقول: أنا حبلى فتمكث سنة، فقال: إن جاءت به لاكثر من سنة لم تصدق ولو ساعة واحدة في دعواها

From Ibn Hakim, from Abu Ibrahim (or his son) (peace be upon them both), that he said regarding the divorced woman whose husband divorces her, and she says: I am pregnant, then she remains for a year. He said: If she gives birth to it after more than a year, she is not believed, not even for one hour in her claim.

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أقول: مفهوم الشرط هنا غير مراد لما مضى، ويأتي، أو محمول على التقية.

I (Hurr Amili) say: The conditional implication here is not intended for what has passed and what is to come, or it is based on taqiyyah (precautionary dissimulation).

Hadith 28444

عن محمّد بن حكيم، عن العبد الصالح (عليه السلام)، قال: قلت له: المرأة الشابة التي تحيض مثلها يطلقها زوجها، فيرتفع طمثها، ما عدتها؟ قال: ثلاثة أشهر.

From Muhammad ibn Hakim, from al-Abd al-Salih (peace be upon him), he said: I said to him: The young woman who menstruates like her peers - her husband divorces her, then her menstruation ceases, what is her waiting period? He said: Three months.

قلت: فإنها تزوجت بعد ثلاثة أشهر، فتبين بها بعد ما دخلت على زوجها أنها حامل، قال: هيهات من ذلك يا ابن حكيم ! رفع الطمث ضربان: إما فساد من حيضة، فقد حل لها الازواج وليس بحامل، وإما حامل فهو يستبين في ثلاثة أشهر : لان الله عزّ وجلّ قد جعله وقتا يستبين فيه الحمل.

I said: If she marries after three months, then it becomes apparent after she has consummated with her husband that she is pregnant? He said: Far from that, O Ibn Hakim! The cessation of menstruation is of two types: either corruption from menstruation, so marriage is lawful for her and she is not pregnant, or she is pregnant and this becomes apparent within three months, because Allah the Mighty and Majestic has made it a time in which pregnancy becomes apparent.

قلت: فانها ارتابت، قال: عدتها تسعة أشهر، قال: قلت: فانها ارتابت بعد تسعة أشهر قال: إنما الحمل تسعة أشهر.

I said: If she has doubts? He said: Her waiting period is nine months. I said: If she has doubts after nine months? He said: Pregnancy is only nine months.

قلت: فتزوج؟ قال: تحتاط بثلاثة أشهر، قلت: فإنها ارتابت بعد ثلاثة أشهر، قال: ليس عليها ريبة تزوج.

I said: Can she marry? He said: She takes precaution with [an additional] three months. I said: If she has doubts after three months? He said: There is no doubt upon her - she may marry.

Hadith 28445

عن محمّد بن حكيم، عن أبي عبدالله، أو أبي الحسن (عليهما السلام)، قال: قلت له: رجل طلق امرأته، فلمّا مضت ثلاثة أشهر ادعت حبلا، قال: ينتظر بها تسعة أشهر، قال: قلت: فإنها ادعت بعد ذلك حبلا، قال: هيهات هيهات ! إنما يرتفع الطمث من ضربين: إما حمل بين، وإما فساد من الطمث، ولكنها تحتاط بثلاثة أشهر بعد.

From Muhammad ibn Hakim, from Abu Abdullah or Abu al-Hasan (peace be upon them both), he said: I said to him: A man divorced his wife, and when three months had passed, she claimed pregnancy. He said: She is waited for nine months. He said: I said: If she claimed pregnancy after that? He said: Far, far from that! Menstruation ceases for only two reasons: either clear pregnancy, or corruption of menstruation, but she takes precaution with three months afterward.

وقال أيضا في التي كانت تطمث، ثمّ يرتفع طمثها سنة، كيف تطلق؟ قال: تطلق بالشهور.

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He also said regarding the one who used to menstruate, then her menstruation ceases for a year, how is she divorced? He said: She is divorced by months.

فقال لي بعض من قال: إذا أراد أن يطلّقها، وهي لا تحيض، وقد كان يطؤها استبرأها، بأن يمسك عنها ثلاثة أشهر من الوقت الذي تبين فيه المطلقة المستقيمة الطمث، فإن ظهر بها حبل، وإلاّ طلقها تطليقة بشاهدين، فان تركها ثلاثة أشهر فقد بانت بواحدة، فان أراد أن يطلقها ثلاث تطليقات تركها شهراً، ثمّ راجعها ثمّ طلقها ثانية، ثمّ أمسك عنها ثلاثة أشهر يستبرئها، فان ظهر بها حبل فليس له أن يطلقها إلا واحدة.

Then he said to me, some of those who said: When he wants to divorce her while she does not menstruate, and he used to have intercourse with her, he performs istibra (waiting to ensure no pregnancy) by abstaining from her for three months from the time when the divorced woman with regular menstruation becomes clear. If pregnancy appears in her, otherwise he divorces her one divorce with two witnesses. If he leaves her for three months, she is separated by one divorce. If he wants to divorce her three divorces, he leaves her for a month, then takes her back, then divorces her a second time, then abstains from her for three months performing istibra. If pregnancy appears in her, he may only divorce her once.

أقول: وتقدم ما يدل على ذلك، والاحتياط هنا بثلاثة أشهر محتمل للتقية لما مر.

I (Hurr Amili) say: What indicates this has preceded, and the precaution here with three months is possibly for taqiyyah as mentioned.

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CHAPTER 26

The Divorced Woman Observes Her Waiting Period From The Day She Was Divorced, Not From The Day The News Reaches Her. If She Does Not Know When She Was Divorced, She Observes The Waiting Period From The Day She Learned Of It.

[Hadith 28446 to 28452]

Hadith 28446

عن محمّد بن مسلم، قال: قال لي أبو جعفر (عليه السلام): إذا طلق الرجل وهو غائب فليشهد على ذلك، فاذا مضى ثلاثة أقراء من ذلك اليوم فقد انقضت عدتها.

From Muhammad ibn Muslim, he said: Abu Ja'far (peace be upon him) said to me: When a man divorces while he is absent, let him have witnesses to that. When three menstrual cycles have passed from that day, her waiting period has ended.

Hadith 28447

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: سألته عن الرجل يطلق امرأته وهو غائب عنها، من أي يوم تعتد به؟ فقال: إن قامت لها بيّنة عدل أنها طلقت في يوم معلوم وتيقّنت، فلتعتد من يوم طلّقت، وإن لم تحفظ في أي يوم وفي أيّ شهر، فلتعتدّ من يوم يبلغها.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: I asked him about a man who divorces his wife while he is absent from her - from which day should she observe her waiting period? He said: If just witnesses establish for her that she was divorced on a known day and she is certain of it, then let her observe the waiting period from the day she was divorced. But if she does not remember on which day or in which month, then let her observe the waiting period from the day it reaches her.

Hadith 28448

عن زرارة، ومحمّد بن مسلم، وبريد بن معاوية ـ كلّهم ـ عن أبي جعفر (عليه السلام) انه قال في الغائب إذا طلق امرأته: فانها تعتد من اليوم الذي طلقها.

From Zurarah, Muhammad ibn Muslim, and Buraid ibn Mu'awiya - all of them - from Abu Ja'far (peace be upon him) that he said regarding the absent one when he divorces his wife: She observes her waiting period from the day he divorced her.

Hadith 28449

عن زرارة، قال: سألت أبا عبدالله (عليه السلام) عن رجل طلق امرأته وهو غائب، متى تعتد؟ فقال: إذا قامت لها بينة أنها طلقت في يوم معلوم وشهر معلوم، فلتعتد من يوم طلقت، فان لم تحفظ في أي يوم وفي أي شهر فلتعتد من يوم يبلغها.

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From Zurarah, he said: I asked Abu Abdullah (peace be upon him) about a man who divorces his wife while he is absent, when does she observe her waiting period? He said: If evidence is established for her that she was divorced on a known day and a known month, then let her observe her waiting period from the day she was divorced. But if she does not remember on which day and in which month, then let her observe her waiting period from the day the news reaches her.

Hadith 28450

عن زرارة، عن أبي جعفر (عليه السلام)، قال: إذاطلق الرجل امرأته وهوغائب، فقامت البينة على ذلك، فعدتها من يوم طلق.

From Zurarah, from Abu Ja'far (peace be upon him), he said: When a man divorces his wife while he is absent, and evidence is established regarding that, then her waiting period is from the day he divorced her.

Hadith 28451

عن أبي الصباح الكناني، عن أبي عبدالله (عليه السلام)، قال: إذا طلق الرجل وهو غائب فقامت لها البينة أنها طلقها في شهر كذا وكذا، اعتدَّت من اليوم الذي كان من زوجها فيه الطلاق، وإن لم تحفظ ذلك اليوم، اعتدت من يوم علمت.

From Abu al-Sabah al-Kinani, from Abu Abdullah (peace be upon him), who said: When a man divorces while he is absent and evidence is established for her that he divorced her in such and such month, she observes her waiting period from the day on which the divorce occurred from her husband. But if she does not remember that day, she observes her waiting period from the day she came to know.

Hadith 28452

عن أحمد بن محمّد بن أبي نصر، عن الرضا (عليه السلام)، قال: سأله صفوان ـ وأنا حاضر ـ عن رجل طلق امرأته وهو غائب فمضت أشهر، فقال: إذا قامت البينة أنه طلقها منذ كذا وكذا، وكانت عدتها قد انقضت، فقد حلت للازواج، قال: فالمتوفى عنها زوجها، فقال: هذه ليست مثل تلك هذه تعتد من يوم يبلغها الخبر ؛ لأنّ عليها أن تحد.

From Ahmad ibn Muhammad ibn Abi Nasr, from al-Rida (peace be upon him), who said: Safwan asked him - while I was present - about a man who divorced his wife while he was absent and months had passed. He said: When evidence is established that he divorced her since such and such time, and her waiting period had already ended, then she becomes lawful for marriage. He said: What about the woman whose husband has died? He said: This one is not like that one. This one observes her waiting period from the day the news reaches her, because she must observe mourning.

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CHAPTER 27

If A Woman Does Not Know About The Divorce Until After The Waiting Period Has Ended, She Has No Waiting Period Upon Her

[Hadith 28453 to 28455]

Hadith 28453

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: إذا طلق الرجل المرأة وهو غائب، ولا تعلم إلا بعد ذلك بسنة أو أكثر أو أقلّ، فإذا علمت تزوجت ولم تعتد.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), who said: If a man divorces his wife while he is absent, and she does not know about it until after that by a year or more or less, then when she learns of it, she may marry and does not need to observe a waiting period.

Hadith 28454

عن ابن أبي نصر، عن أبي الحسن الرضا (عليه السلام)، قال في المطلقة إذا قامت البيّنة، أنه قد طلقها منذ كذا وكذا، فكانت عدتها قد انقضت فقد بانت.

From Ibn Abi Nasr, from Abu al-Hasan al-Rida (peace be upon him), who said regarding the divorced woman: If evidence is established that he had divorced her since such and such time, and her waiting period had already ended, then she has become separated (from the marriage).

Hadith 28455

عن أبي بصير، عن أبي عبدالله (عليه السلام)، أنّه سئل عن المطلقة يطلقها زوجها، فلا تعلم إلا بعد سنة فقال: إن جاء شاهدا عدل فلا تعتدّ، وإلا فلتعتد من يوم يبلغها.

From Abu Basir, from Abu Abdullah (peace be upon him), that he was asked about a divorced woman whose husband divorces her, but she does not know except after a year. He said: If two just witnesses come, then she does not observe the waiting period (iddah), otherwise let her observe the waiting period from the day it reaches her.

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CHAPTER 28

It Is Obligatory For The Wife To Observe The Waiting Period Of Death From The Day The News Reaches Her, Even If It Is Years After His Death

[Hadith 28456 to 28469]

Hadith 28456

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) في الرجل يموت، وتحته امرأة، وهو غائب، قال: تعتد من يوم يبلغها وفاته.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them both) regarding a man who dies while having a wife under his care and he is absent. He said: She observes the waiting period from the day news of his death reaches her.

Hadith 28457

عن أبي الصباح الكناني، عن أبي عبدالله (عليه السلام)، قال: التي يموت عنها زوجها، وهو غائب، فعدتها من يوم يبلغها إن قامت البيّنة، أو لم تقم.

From Abu al-Sabbah al-Kinani, from Abu Abdullah (peace be upon him), he said: The woman whose husband dies while he is absent - her waiting period is from the day the news reaches her, whether clear evidence is established or not.

Hadith 28458

عن بريد بن معاوية، عن أبي جعفر (عليه السلام)، انه قال في الغائب عنها زوجها إذا توفي قال: المتوفى عنها تعتد من يوم يأتيها الخبر ؛ لانّها تحد عليه.

From Buraid ibn Mu'awiya, from Abu Ja'far (peace be upon him), that he said regarding the woman whose husband is absent when he dies: The woman whose husband has died observes her waiting period from the day the news reaches her, because she mourns for him.

Hadith 28459

عن ابن أبي نصر، عن أبي الحسن الرضا (عليه السلام)، قال: المتوفى عنها زوجها تعتد (من يوم) يبلغها ؛ لانّها تريد أن تحد عليه.

From Ibn Abi Nasr, from Abu al-Hasan al-Rida (peace be upon him), he said: The woman whose husband has died observes her waiting period from the day it reaches her, because she wants to mourn for him.

Hadith 28460

عن الحسن بن زياد، عن أبي عبدالله (عليه السلام)، قال في المرأة إذا بلغها نعي زوجها: تعتد من يوم يبلغها، إنّما تريد أن تحد له.

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From al-Hasan ibn Ziyad, from Abu Abdullah (peace be upon him), he said regarding the woman when news of her husband's death reaches her: She observes her waiting period from the day it reaches her, for she wants to mourn for him.

Hadith 28461

عن رفاعة، قال: سألت أبا عبدالله (عليه السلام) عن المتوفى عنها زوجها وهو غائب متى تعتد؟ فقال: يوم يبلغها، وذكر أن رسول الله (صلى الله عليه واله) قال: إن إحداكن كانت تمكث الحول إذا توفي زوجها، ثمّ ترمى ببعرة وراءها.

From Rifa'a, who said: I asked Abu Abdullah (peace be upon him) about a woman whose husband dies while he is absent - when does she observe the waiting period? He said: From the day the news reaches her. And he mentioned that the Messenger of Allah (may Allah bless him and his family) said: One of you used to remain for a full year when her husband died, then she would throw a piece of dung behind her.

Hadith 28462

عن أبي البختري وهب بن وهب، عن جعفر، عن أبيه، عن علي (عليه السلام)، أنه سئل عن المتوفى عنها زوجها إذا بلغها ذلك، وقد انقضت عدّتها، فالحداد يجب عليها، فقال علي (عليه السلام): إذا لم يبلغها ذلك حتى تنقضي عدّتها، فقد ذهب ذلك كلّه، وتنكح من أحبت.

From Abu al-Bakhtari Wahb ibn Wahb, from Ja'far, from his father, from Ali (peace be upon him), that he was asked about a woman whose husband dies - if the news reaches her after her waiting period has already ended, is mourning still obligatory upon her? Ali (peace be upon him) said: If the news does not reach her until after her waiting period has ended, then all of that has passed, and she may marry whomever she wishes.

أقول: هذا يحتمل الحمل على التقية ويمكن كون آخر الحديث في حكم المطلقة، ويكون سقط من الحديث شيء، ويحتمل أيضا ما يأتي.

I (Hurr Amili) say: This can possibly be interpreted as taqiyya, and it is possible that the end of the hadith concerns the ruling on a divorced woman, and something may have been omitted from the hadith. It also admits of another possibility which will come later.

Hadith 28463

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام) ـ في حديث ـ قال: المتوفى عنها زوجها وهو غائب، تعتدّ من يوم يبلغها، ولو كان قد مات قبل ذلك بسنة أو سنتين.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him) - in a hadith - he said: A woman whose husband dies while he is absent observes the waiting period from the day the news reaches her, even if he had died a year or two before that.

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Hadith 28464

عن أحمد بن محمّد بن أبي نصر، عن عبد الكريم، عن (الحسن بن زياد)، قال: سألت أبا عبدالله (عليه السلام) عن المطلقة يطلّقها زوجها، ولا تعلم إلاّ بعد سنة، والمتوفى عنها زوجها، ولا تعلم بموته إلاّ بعد سنة، قال: إن جاء شاهدان عدلان فلا تعتدّان، وإلا تعتدان.

From Ahmad ibn Muhammad ibn Abi Nasr, from Abd al-Karim, from al-Hasan ibn Ziyad, who said: I asked Abu Abdullah (peace be upon him) about a divorced woman whose husband divorces her but she does not know except after a year, and the woman whose husband dies but she does not know of his death except after a year. He said: If two just witnesses come, then they do not observe the waiting period, otherwise they observe the waiting period.

أقول: حمله الشيخ على الوهم من الراوي، بأن يكون سمع ذلك في المطلقة، ويمكن حمله على ما لو مات في العدة البائنة، ويحتمل الحمل على التقية؛ لأنّه مذهب جميع العامة.

I (Hurr Amili) say: The Shaykh interpreted this as confusion from the narrator, that he might have heard this regarding the divorced woman. It is possible to interpret it as if he died during the irrevocable waiting period, and it could be interpreted as taqiyyah, because it is the doctrine of all the common people.

Hadith 28465

عن صفوان، عن (عبيد الله)، عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: قلت له: امرأة بلغها نعي زوجها بعد سنة أو نحو ذلك، قال: فقال: إن كانت حبلى فأجلها أن تضع حملها، وإن كانت ليست بحبلى فقد مضت عدَّتها، إذا قامت لها البينة أنه مات في يوم كذا وكذا، وإن لم يكن لها بينة فلتعتد من يوم سمعت.

From Safwan, from Ubaydullah, from al-Halabi, from Abu Abdullah (peace be upon him), who said: I said to him: A woman who receives news of her husband's death after a year or so. He said: If she was pregnant, then her term is until she gives birth to her child. If she was not pregnant, then her waiting period has passed, when evidence is established for her that he died on such and such a day. But if she has no evidence, then let her observe the waiting period from the day she heard.

Hadith 28466

عن محمّد بن مسلم، عن ابي جعفر (عليه السلام)، قال: إذا طلق الرجل امرأته وهو غائب عنها فليشهد عند ذلك، فإذا مضى ثلاثة أشهر فقد انقضت عدَّتها، والمتوفى عنها تعتد إذا بلغها.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), who said: When a man divorces his wife while he is absent from her, let him have witnesses present at that time. When three months have passed, her waiting period has ended. As for the woman whose husband has died, she observes the waiting period when the news reaches her.

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Hadith 28467

عن منصور بن حازم، قال: سمعت أبا عبدالله (عليه السلام) يقول في المرأة يموت زوجها، أو يطلقها وهو غائب، قال: إن كان مسيرة أيام فمن يوم يموت زوجها تعتد، وإن كان من بعد فمن يوم يأتيها الخبر ؛ لانّها لا بد من أن تحد له.

From Mansur ibn Hazim, he said: I heard Abu Abdullah (peace be upon him) say regarding a woman whose husband dies or divorces her while he is absent: If it was a journey of days, then she observes the waiting period from the day her husband dies, but if it was from a distant place, then from the day the news reaches her, because she must observe mourning for him.

أقول: تقدم وجهه في أن هذه تحدّ، وهذه لا تحدّ.

I (Hurr Amili) say: The explanation has preceded regarding why this one observes mourning and this one does not observe mourning.

Hadith 28468

محمّد بن علي بن الحسين بإسناده إلى قضايا أمير المؤمنين (عليه السلام) ـ في حديث ـ قال: والمطلقة تعتد من يوم طلقها زوجها، والمتوفى عنها تعتد من يوم يبلغها الخبر.

Muhammad ibn Ali ibn al-Husayn, through his chain of narration to the judgments of Amir al-Muminin (peace be upon him) - in a hadith - said: The divorced woman observes her waiting period from the day her husband divorced her, and the woman whose husband has died observes her waiting period from the day the news reaches her.

Hadith 28469

عن أحمد بن محمّد، عن أبي الحسن الرضا (عليه السلام) في المطلقة إن قامت البينة أنه طلقها منذ كذا وكذا، وكانت عدتها قد انقضت فقد بانت، والمتوفى عنها زوجها تعتد حين يبلغها الخبر ؛ لانّها تريد أن تحد له.

From Ahmad ibn Muhammad from Abu al-Hasan al-Rida (peace be upon him) regarding the divorced woman: If evidence is established that he divorced her such and such time ago, and her waiting period has expired, then she is separated. And the woman whose husband has died observes her waiting period when the news reaches her, because she wants to observe mourning for him.

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CHAPTER 29

Obligation Of Mourning For A Woman During The Waiting Period Of Death Specifically, By Avoiding Adornment, Perfume And Similar Things

[Hadith 28470 to 28476]

Hadith 28470

عن زرارة، عن أبي جعفر (عليه السلام)، قال: إن مات عنها ـ يعني: وهو غائب ـ فقامت البينة على موته، فعدّتها من يوم يأتيها الخبر أربعة أشهر وعشراً ؛ لان عليها أن تحد عليه في الموت أربعة أشهر وعشراً، فتمسك عن الكحل والطيب والاصباغ.

From Zurarah, from Abu Ja'far (peace be upon him), who said: If he dies while absent from her, and testimony is established regarding his death, then her waiting period is four months and ten days from the day the news reaches her, because she must observe mourning for him in death for four months and ten days. So she refrains from kohl, perfume, and dyes.

Hadith 28471

عن ابن أبي يعفور، عن أبي عبدالله (عليه السلام) قال: سألته عن المتوفى عنها زوجها قال: لا تكتحل للزينة ولا تطيب، ولا تلبس ثوبا مصبوغاً، ولا تبيت عن بيتها، وتقضي الحقوق، وتمتشط بغسلة، وتحجّ، وإن كان في عدَّتها.

From Ibn Abi Ya'fur, from Abu Abdullah (peace be upon him), he said: I asked him about the woman whose husband has died. He said: She does not apply kohl for adornment, does not use perfume, does not wear dyed clothing, does not spend the night away from her house, she fulfills her obligations, she may comb her hair while washing it, and she may perform Hajj even if it is during her waiting period.

Hadith 28472

عن أبي العبّاس، قال: قلت لابي عبدالله (عليه السلام): المتوفى عنها زوجها، قال: لا تكتحل لزينة، ولا تطيب ولا تلبس ثوبا مصبوغاً، ولا تخرج نهاراً، ولا تبيت عن بيتها، قلت: أرأيت إن أرادت أن تخرج إلى حقّ، كيف تصنع؟ قال: تخرج بعد نصف الليل، وترجع عشاء.

From Abu al-Abbas, he said: I said to Abu Abdullah (peace be upon him): Regarding the woman whose husband has died, he said: She should not apply kohl for adornment, nor perfume herself, nor wear dyed clothing, nor go out during the day, nor spend the night away from her house. I said: What do you think if she wants to go out for a necessity, how should she act? He said: She goes out after midnight and returns at nightfall.

أقول: حمل الشيخ ما تضمن النهي عن المبيت عن بيتها على الاستحباب ؛ لما يأتي.

I (Hurr Amili) say: The Shaykh interpreted what contained the prohibition against spending the night away from her house as being recommended, based on what follows.

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Hadith 28473

عن زرارة، عن أبي عبدالله (عليه السلام) قال: المتوفى عنها زوجها ليس لها أن تطيب، ولا تزيّن حتّى تنقضي عدَّتها أربعة أشهر وعشرة أيام.

From Zurarah, from Abu Abdullah (peace be upon him), he said: The woman whose husband has died should not perfume herself nor adorn herself until her waiting period ends - four months and ten days.

Hadith 28474

عن محمّد بن مسلم، قال: ليس لاحد أن يحد أكثر من ثلاث، إلاّ المرأة على زوجها حتى تنقضي عدتها.

From Muhammad ibn Muslim, he said: It is not permissible for anyone to observe mourning for more than three days, except for a woman for her husband until her waiting period ends.

Hadith 28475

عن أبي يحيى الواسطي، عن أبي عبدالله (عليه السلام) قال: يحد الحميم على حميمه ثلاثا والمرأة على زوجها أربعة أشهر وعشرا.

From Abu Yahya al-Wasiti, from Abu Abdullah (peace be upon him) who said: A close friend observes mourning for his close friend for three days, and a woman for her husband four months and ten days.

Hadith 28476

عن عمار الساباطي، عن أبي عبدالله (عليه السلام) أنه سأله عن المرأة يموت عنها زوجها، هل يحلّ لها أن تخرج من منزلها في عدتها؟ قال: نعم، وتختضب، وتكتحل، وتمتشط، وتصبغ، وتلبس المصبّغ، وتصنع ما شاءت بغير زينة لزوج.

From Ammar al-Sabati, from Abu Abdullah (peace be upon him) that he asked him about a woman whose husband dies - is it permissible for her to leave her house during her waiting period? He said: Yes, and she may apply henna, use kohl, comb her hair, dye it, wear dyed clothing, and do whatever she wishes without adornment for a husband.

أقول: هذ مخصوص بغير قصد الزينة مع عدم التظاهر به : لما مر، وتقدم ما يدل على ذلك هنا، وفي الدفن، ويأتي ما يدل عليه.

I (Hurr Amili) say: This is specified as being without the intention of adornment and without displaying it publicly, based on what has passed before. What indicates this has been mentioned here and in the chapter on burial, and more evidence for this will come.

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CHAPTER 30

The Waiting Period For The Widow Is Four Months And Ten Days

[Hadith 28477 to 28485]

Hadith 28477

عن أبي بصير، يعني: المرادي، عن أبي عبدالله (عليه السلام)، قال في حديث: إن رسول الله (صلى الله عليه وآله) قال للنساء: أفّ لكن، قد كنتن قبل أن ابعث فيكنَّ، وأن المرأة منكن إذا توفي عنها زوجها، أخذت بعرة فرمت بها خلف ظهرها، ثمّ قالت: لا أمتشط، ولا أكتحل، ولا أختضب حولا كاملا، وانما أمرتكن بأربعة أشهر وعشراً، ثمَّ لا تصبرن؟ !.

From Abu Basir, meaning: al-Muradi, from Abu Abdullah (peace be upon him), who said in a hadith: The Messenger of Allah (may Allah bless him and his family) said to the women: Shame on you! You were before I was sent among you such that when one of your husbands died, she would take a piece of dung and throw it behind her back, then say: I will not comb my hair, nor apply kohl, nor use henna for a full year. Yet I have only commanded you to observe four months and ten days, and still you cannot be patient?!

Hadith 28478

عن محمّد بن سليمان، عن أبي جعفر الثاني (عليه السلام)، قال: قلت له: جعلت فداك، كيف صارت عدة المطلقة ثلاث حيض أو ثلاثة أشهر، وصارت عدة المتوفى عنها زوجها أربعة أشهر وعشرا؟

From Muhammad ibn Sulayman, from Abu Ja'far the Second (peace be upon him), he said: I said to him: May I be your ransom, how did it come to be that the waiting period of the divorced woman is three menstrual cycles or three months, while the waiting period of the woman whose husband has died is four months and ten days?

فقال: أما عدة المطلقة ثلاثة قروء فلاستبراء الرحم من الولد، وأما عدة المتوفى عنها زوجها فان الله تعالى شرط للنساء شرطا، وشرط عليهن شرطاً، فلم يجابهن فيما شرط لهنَّ، ولم يجر فيما اشترط عليهن، (أما ما) شرط لهنَّ في الإيلاء أربعة أشهر، إذ يقول الله عزّ وجلّ: (للذين يؤلون من نسائهم تربص أربعة أشهر) فلم يجوز لاحد أكثر من أربعة أشهر في الايلاء ؛ لعلمه تبارك اسمه أنه غاية صبر المرأة عن الرجل،

He said: As for the waiting period of the divorced woman being three periods, it is to ensure the womb is clear of any child. As for the waiting period of the woman whose husband has died, Allah the Exalted made a stipulation for women and made a stipulation upon them. He did not exceed what He stipulated for them, nor did He fall short in what He stipulated upon them. What He stipulated for them in the case of oath of abstinence (ila) is four months, as Allah the Mighty and Glorious says: "For those who take an oath of abstinence from their wives is a waiting time of four months [Quran, 2:226]." He did not permit anyone more than four months in the oath of abstinence, knowing - blessed be His name - that this is the limit of a woman's patience regarding a man.

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وأما ما شرط عليهن فانه أمرها أن تعتد إذا مات زوجها أربعة أشهر وعشرا فأخذ منها له عند موته ما أخذ لها منه في حياته عند الايلاء، قال الله عزّ وجلّ: (يتربصن بأنفسهن أربعة أشهر وعشرا) ولم يذكر العشرة الايام في العدة إلا مع الاربعة أشهر، وعلم أن غاية المرأة الاربعة أشهر في ترك الجماع، فمن ثمّ أوجبه عليها ولها.

As for what He stipulated upon them, He commanded her to observe a waiting period when her husband dies of four months and ten days. So He took from her for him at his death what He took for her from him during his lifetime in the case of oath of abstinence. Allah the Mighty and Glorious said: "They shall wait concerning themselves for four months and ten days [Quran, 2:234]." He did not mention the ten days in the waiting period except with the four months, knowing that the woman's limit is four months in abstaining from intercourse. Therefore, He made it obligatory upon her and for her.

Hadith 28479

عن عبدالله بن سنان قال: قلت لابي عبدالله (عليه السلام): لاي علة صارت عدة المطلقة ثلاثة أشهر، وعدة المتوفى عنها زوجها أربعة أشهر وعشرا، قال: لان حرقة المطلقة تسكن في ثلاثة أشهر، وحرقة المتوفى عنها زوجها لا تسكن إلا بعد أربعة أشهر وعشر.

From Abdullah ibn Sinan who said: I said to Abu Abdullah (peace be upon him): For what reason did the waiting period (iddah) of the divorced woman become three months, while the waiting period of the woman whose husband died become four months and ten days? He said: Because the distress of the divorced woman subsides in three months, while the distress of the woman whose husband died does not subside except after four months and ten days.

Hadith 28480

علي بن الحسين المرتضى في رسالة (المحكم والمتشابه): نقلاً من (تفسير) النعماني بإسناده الآتي عن علي (عليه السلام) في بيان الناسخ والمنسوخ، قال:

Ali ibn al-Husayn al-Murtada in his treatise "Al-Muhkam wa al-Mutashabih": Narrating from the "Tafsir" of al-Nu'mani with the following chain from Ali (peace be upon him) regarding the explanation of the abrogating and abrogated, he said:

ومن ذلك: ان العدة كانت في الجاهلية على المرأة سنة كاملة، وكان إذا مات الرجل ألقت المرأة خلف ظهرها شيئاً، بعرة أو ما يجري مجراها، وقالت: البعل أهون علي من هذه، ولا أكتحل ولا أمتشط، ولا أتطيب، ولا أتزوج سنة، فكانوا لا يخرجونها من بيتها، بل يجرون عليها من تركة زوجها سنة،

Among that is that the waiting period in the pre-Islamic period (Jahiliyyah) was a full year for the woman. When a man died, the woman would throw something behind her back - dung or something similar - and say: "The husband is less significant to me than this," and she would not apply kohl, nor comb her hair, nor perfume herself, nor marry for a year. They would not take her out of her house, but would provide for her from her husband's inheritance for a year.

فأنزل الله في أول الاسلام: (والذين يتوفون منكم ويذرون أزواجا وصية لازواجهم متاعا إلى الحول غير إخراج) فلما قوى

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الاسلام أنزل الله تعالى: (والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فاذا بلغن أجلهن فلا جناح عليكم) إلى آخر الآية.

Then Allah revealed in early Islam: "And those of you who die and leave wives behind, they should bequeath for their wives a year's maintenance without turning them out." [Quran, 2:240] When Islam became strong, Allah the Exalted revealed: "And those of you who die and leave wives behind, they shall wait by themselves for four months and ten days. Then when they have completed their term, there is no blame on you" [Quran, 2:234] to the end of the verse.

Hadith 28481

علي بن إبراهيم في (تفسيره): رفعه قال: كانت عدة النساء في الجاهلية إذا مات الرجل من امرأته تعتد امرأته سنة، فلما بعث الله رسوله لم ينقلهم عن ذلك، بل تركهم على عاداتهم، وأنزل الله عليه بذلك قرآنا، فقال: (والذين يتوفون منكم ويذرون أزواجا وصية لازواجهم متاعا إلى الحول غير إخراج)

Ali ibn Ibrahim in his "Tafsir": He narrated in a raised chain that: The waiting period of women in the pre-Islamic period when a man died was that his wife would observe the waiting period for a year. When Allah sent His Messenger, He did not remove them from that practice, but left them to their customs, and Allah revealed Quran about this, saying: "And those of you who die and leave wives behind, they should bequeath for their wives a year's maintenance without turning them out." [Quran, 2:240]

فكانت العدة حولا، فلمّا قوي الاسلام أنزل الله (والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا) فنسخت قوله: (متاعا إلى الحول غير إخراج).

So the waiting period was a full year. When Islam became strong, Allah revealed: "And those of you who die and leave wives behind, they shall wait by themselves for four months and ten days." [Quran, 2:234] This abrogated His saying: "maintenance until the year without turning them out."

Hadith 28482

عن عليّ بن جعفر، عن أخيه، قال: سألته عن المتوفى عنها زوجها، كم عدتها؟ قال: أربعة أشهر وعشرا.

From Ali ibn Ja'far, from his brother, he said: I asked him about a woman whose husband has died, what is the duration of her waiting period? He said: Four months and ten days.

Hadith 28483

محمّد بن مسعود العياشي في (تفسيره): عن أبي بصير، عن أبي جعفر (عليه السلام)، قال: سألته عن قوله: (متاعا إلى الحول غير إخراج) قال: منسوخة، نسختها (يتربصن بأنفسهن أربعة أشهر وعشرا) ونسختها آية الميراث.

Muhammad ibn Mas'ud al-Ayyashi in (his Tafsir): from Abu Basir, from Abu Ja'far (peace be upon him), he said: I asked him about His saying: "provision until the year without turning them out" [Quran, 2:240]. He said: It is abrogated. It was abrogated by "they shall wait by themselves for four months and ten days" [Quran, 2:234] and it was abrogated by the verse of inheritance.

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Hadith 28484

وعن أبي بكر الحضرمي، عن أبي عبدالله (عليه السلام)، قال: لما نزلت هذه الآية: (والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا) جئن النساء يخاصمن رسول الله (صلى الله عليه واله)، وقلن: لا نصبر، فقال لهن رسول الله (صلى الله عليه وآله): كانت إحداكن إذا مات زوجها أخذت بعرة، فألقتها خلفها في دويرها في خدرها، ثمّ قعدت، فإذا كان مثل ذلك اليوم من الحول أخذتها ففتتها، ثمّ اكتحلت بها، ثمّ تزوجت، فوضع الله عنكن ثمّانية أشهر.

And from Abu Bakr al-Hadrami, from Abu Abdullah (peace be upon him), he said: When this verse was revealed: (And those of you who die and leave wives behind, they shall wait by themselves for four months and ten days) [Quran, 2:234], the women came disputing with the Messenger of Allah (peace be upon him and his family), and they said: We cannot be patient. So the Messenger of Allah (peace be upon him and his family) said to them: One of you, when her husband died, would take animal dung and throw it behind her in her small house in her chamber, then sit. When a day like that day came after a full year, she would take it, crumble it, then apply it as kohl to her eyes, then marry. So Allah reduced eight months from your burden.

Hadith 28485

وعن أبي بصير، قال: سألته عن قول الله: (والذين يتوفون منكم ويذرون أزواجا وصية لازواجهم متاعا إلى الحول غير إخراج) قال: هي منسوخة، قلت: وكيف كانت؟ قال: كان الرجل إذا مات انفق على امرأته من صلب المال حولا، ثمّ اخرجت بلا ميراث، ثمّ نسختها آية الربع والثمّن، فالمرأة ينفق عليها من نصيبها.

From Abu Basir, he said: I asked him about the saying of Allah: "And those who die among you and leave wives behind - for their wives is a bequest: maintenance for one year without turning [them] out." [Quran, 2:240] He said: It is abrogated. I said: How was it? He said: When a man died, his wife would be provided for from the principal wealth for one year, then she would be expelled without inheritance. Then the verse of the quarter and the eighth abrogated it, so the woman is provided for from her own share.

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CHAPTER 31

The Waiting Period (Iddah) Of A Pregnant Woman Whose Husband Dies Is The Longer Of The Two Periods: Either Delivery Or Four Months And Ten Days

[Hadith 28486 to 28491]

Hadith 28486

عن الحلبي، عن أبي عبدالله (عليه السلام)، انه قال في الحامل المتوفى عنها زوجها: تنقضي عدتها آخر الاجلين.

From al-Halabi, from Abu Abdullah (peace be upon him), that he said regarding the pregnant woman whose husband has died: Her waiting period ends at the later of the two periods.

Hadith 28487

عن سماعة، قال: قال: المتوفى عنها زوجها الحامل أجلها آخر الاجلين إن كانت حبلى، فتمت لها أربعة أشهر وعشر ولم تضع، فان عدتها إلى أن تضع، وإن كانت تضع حملها قبل أن يتم لها أربعة أشهر وعشر، تعتد بعد ما تضع تمام أربعة أشهر وعشر، وذلك أبعد الاجلين.

From Sama'ah, he said: He said: The pregnant woman whose husband has died - her term is the later of the two periods if she is pregnant. If four months and ten days are completed for her and she has not given birth, then her waiting period continues until she gives birth. And if she gives birth before four months and ten days are completed for her, she observes the waiting period after giving birth for the remainder of four months and ten days. That is the longer of the two periods.

Hadith 28488

عن محمّد بن قيس عن أبي جعفر (عليه السلام)، قال: قضى أمير المؤمنين (عليه السلام) في امرأة توفي زوجها وهي حبلى، فولدت قبل أن تنقضي أربعة أشهر وعشر، فتزوجت، فقضى أن يخلي عنها، ثمّ لا يخطبها حتى ينقضي آخر الاجلين، فإن شاء أولياء المرأة أنكحوها، وإن شاؤا أمسكوها، فإن أمسكوها ردوا عليه ماله.

From Muhammad ibn Qays from Abu Ja'far (peace be upon him), he said: Amir al-Muminin (peace be upon him) judged regarding a woman whose husband died while she was pregnant, and she gave birth before the completion of four months and ten days, then she married. He ruled that she should be separated from him, then he should not propose to her until the latter of the two waiting periods expires. If the woman's guardians wish, they may marry her off, and if they wish, they may keep her. If they keep her, they should return his wealth to him.

Hadith 28489

عن زرارة، عن أبي جعفر (عليه السلام)، قال: عدة المتوفى عنها زوجها آخر الأجلين ؛ لأنّ عليها أن تحد أربعة أشهر وعشرا، وليس عليها في الطلاق أن تحد.

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From Zurarah from Abu Ja'far (peace be upon him), he said: The waiting period of a woman whose husband has died is the latter of the two periods, because she must observe mourning for four months and ten days, and she is not required to observe mourning in case of divorce.

Hadith 28490

عن عبدالله بن سنان، عن أبي عبدالله (عليه السلام)، قال: الحبلى المتوفى عنها زوجها عدتها آخر الاجلين.

From Abdullah ibn Sinan from Abu Abdullah (peace be upon him), he said: The pregnant woman whose husband has died - her waiting period is the latter of the two periods.

Hadith 28491

عن محمّد بن مسلم، قال: قلت لابي عبدالله (عليه السلام): المرأة الحبلى المتوفى عنها زوجها، تضع، وتزوّج قبل أن يخلو أربعة أشهر وعشر؟

From Muhammad ibn Muslim, who said: I said to Abu Abdullah (peace be upon him): A pregnant woman whose husband has died gives birth and marries before four months and ten days have passed?

قال: إن كان زوجها الذي يتزوجها دخل بها فرق بينهما، واعتدت ما بقي من عدتها الأوّلى، وعدة اخرى من الاخير، وإن لم يكن دخل بها فرق بينهما، واعتدت ما بقي من عدّتها، وهو خاطب من الخطاب.

He said: If the husband who marries her has consummated the marriage with her, they are separated, and she observes the waiting period that remains from her first waiting period, and another waiting period from the latter (husband). And if he has not consummated the marriage with her, they are separated, and she observes what remains of her waiting period, and he is (merely) a suitor among suitors.

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CHAPTER 32

The Absence Of Established Residence And Maintenance For The Widow During Her Waiting Period, And That She May Observe Her Waiting Period Wherever She Wishes**

[Hadith 28492 to 28495]

Hadith 28492

عن سليمان بن خالد، قال: سألت أبا عبدالله (عليه السلام) عن امرأة توفي عنها زوجها، اين تعتدُّ؟ في بيت زوجها تعتد؟ أو حيث شاءت؟ قال: حيث شاءت، ثمّ قال: إن عليا (عليه السلام) لما مات عمر أتى ام كلثوم، فأخذ بيدها، فانطلق بها إلى بيته.

From Sulayman ibn Khalid, who said: I asked Abu Abdullah (peace be upon him) about a woman whose husband has died - where should she observe her waiting period? Should she observe it in her husband's house, or wherever she wishes? He said: Wherever she wishes. Then he said: When Umar died, Ali (peace be upon him) came to Umm Kulthum, took her by the hand, and went with her to his house.

Hadith 28493

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال: سألته عن المتوفى عنها زوجها، أين تعتدّ؟ قال: حيث شاءت، ولا تبيت عن بيتها.

From Muhammad ibn Muslim, from one of them (peace be upon them both), he said: I asked him about the woman whose husband has died - where should she observe her waiting period? He said: Wherever she wishes, but she should not spend the night away from her house.

Hadith 28494

عن عبدالله بن سنان، ومعاوية بن عمّار، عن أبي عبدالله (عليه السلام)، قال: سألته عن المرأة المتوفى عنها زوجها، تعتد في بيتها، أو حيث شاءت؟ قال: بل حيث شاءت، إن عليا (عليه السلام) لمّا توفّي عمر أتى اُمّ كلثوم، فانطلق بها إلى بيته.

From Abdullah ibn Sinan and Muawiyah ibn Ammar, from Abu Abdullah (peace be upon him), he said: I asked him about the woman whose husband has died - does she observe her waiting period in her house, or wherever she wishes? He said: Rather wherever she wishes. When Umar died, Ali (peace be upon him) came to Umm Kulthum and took her to his house.

Hadith 28495

عن عبدالله بن سليمان، قال: سألت أبا عبدالله (عليه السلام) عن المتوفى عنها زوجها، تخرج إلى بيت أبيها وامها من بيتها إن شاءت فتعتد؟ فقال: إن شاءت أن تعتد في بيت زوجها اعتدت، وإن شاءت اعتدت في بيت أهلها، ولا تكتحل، ولا تلبس حليّا.

From Abdullah ibn Sulayman, he said: I asked Abu Abdullah (peace be upon him) about the woman whose husband has died - can she leave to her father's and mother's house from her own house if

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she wishes and observe her waiting period there? He said: If she wishes to observe her waiting period in her husband's house, she may do so, and if she wishes she may observe it in her family's house. She should not apply kohl and should not wear jewelry.

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CHAPTER 33

Permissibility Of A Woman Performing Hajj During Her Waiting Period After Her Husband's Death, Fulfilling Rights, Going Out For Her Husband's Funeral, Visiting His Grave, And For Unavoidable Needs

[Hadith 28496 to 28503]

Hadith 28496

عن عمار الساباطي، عن أبي عبدالله (عليه السلام) في المرأة المتوفى عنها زوجها، هل يحلّ لها أن تخرج من منزلها في عدتها؟ قال: نعم.

From Ammar al-Sabati, from Abu Abdullah (peace be upon him) regarding the woman whose husband has died - is it permissible for her to leave her house during her waiting period? He said: Yes.

Hadith 28497

قال: وفي خبر آخر، قال: لا بأس أن تحج المتوفى عنها في عدَّتها، وتنتقل من منزل إلى منزل.

He said: And in another report, he said: There is no harm in the widow performing hajj during her waiting period, and moving from one house to another house.

Hadith 28498

عن عبدالله بن بكير، قال: سألت أبا عبدالله (عليه السلام) عن التي يتوفى زوجها، تحج؟ قال: نعم، وتخرج، وتنتقل من منزل إلى منزل.

From Abdullah ibn Bukayr, he said: I asked Abu Abdullah (peace be upon him) about the woman whose husband dies, can she perform hajj? He said: Yes, and she may go out, and she may move from one house to another house.

Hadith 28499

عن عبيد بن زرارة، عن أبي عبدالله (عليه السلام) في المتوفى عنها زوجها، أتحج وتشهد الحقوق؟ قال: نعم.

From Ubayd ibn Zurarah, from Abu Abdullah (peace be upon him) regarding the woman whose husband has died, can she perform hajj and attend to legal matters? He said: Yes.

Hadith 28500

عن عبيد بن زرارة، عن أبي عبدا لله (عليه السلام)، قال: سألته عن المتوفى عنها زوجها، تخرج من بيت زوجها؟ قال: تخرج من بيت زوجها تحجُّ، وتنتقل من منزل إلى منزل.

From Ubayd ibn Zurarah, from Abu Abdullah (peace be upon him), he said: I asked him about the woman whose husband has died, can she leave her husband's house? He said: She may leave her

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husband's house to perform hajj, and she may move from one house to another house.

Hadith 28501

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: سئل عن المرأة يموت عنها زوجها، أيصلح لها أن تحج، أو تعود مريضا؟ قال: نعم، تخرج في سبيل الله، ولا تكتحل ولا تطيب.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: He was asked about a woman whose husband dies - is it permissible for her to perform pilgrimage or visit the sick? He said: Yes, she may go out in the path of Allah, but she should not apply kohl or perfume.

Hadith 28502

عن أبي بصير، عن أبي عبدالله (عليه السلام)، قال: سألته عن المرأة يتوفى عنها زوجها، وتكون في عدّتها، أتخرج في حق؟

From Abu Basir, from Abu Abdullah (peace be upon him), he said: I asked him about a woman whose husband dies and she is in her waiting period (iddah) - may she go out for a duty?

فقال: إن بعض نساء النبي (صلى الله عليه وآله) سألته، فقالت: إن فلانة توفي عنها زوجها، فتخرج في حق ينوبها، فقال لها رسول الله (صلى الله عليه وآله): أفّ لكنّ، قد كنتنّ قبل أن ابعث فيكنّ، وان المرأة منكن إذا توفي عنها زوجها أخذت بعرة، فرمت بها خلف ظهرها، ثمّ قالت: لا أمتشط، ولا أكتحل، ولا أختضب حولا كاملا، وإنما أمرتكن بأربعة أشعر وعشرة أيام، ثمّ لا تصبرن. لا تمتشط، ولا تكتحل ولا تختضب، ولا تخرج من بيتها نهارا، ولا تبيت عن بيتها،

He said: Indeed, one of the wives of the Prophet (peace be upon him and his family) asked him, saying: So-and-so's husband has died, and she goes out for duties that befall her. The Messenger of Allah (peace be upon him and his family) said to her: Uff (an expression of disapproval) to you all! You were before I was sent among you, and when one of you had her husband die, she would take dung and throw it behind her back, then say: I will not comb my hair, apply kohl, or dye my hands for a full year. I have only commanded you to observe four months and ten days, then you cannot be patient - not combing your hair, not applying kohl, not dyeing your hands, not leaving your house during the day, and not spending the night away from your house.

فقالت: يا رسول الله ! فكيف تصنع إن عرض لها حق؟ فقال: تخرج بعد زوال الشمس وترجع عند المساء، فتكون لم تبت عن بيتها، قلت له: فتحج؟ قال: نعم.

She said: O Messenger of Allah! What should she do if a duty arises for her? He said: She goes out after the sun passes its zenith and returns in the evening, so that she has not spent the night away from her house. I said to him: May she perform pilgrimage? He said: Yes.

Hadith 28503

أحمد بن علي بن أبي طالب الطبرسي في (الاحتجاج): قال: مما ورد من صاحب الزمان (عليه السلام) إلى محمّد بن عبدالله بن جعفر الحميري في جواب مسائله، حيث سأله عن المرأة يموت زوجها، هل يجوز لها أن تخرج في جنازته، أم لا؟ التوقيع: تخرج في جنازته

Ahmad ibn Ali ibn Abi Talib al-Tabarsi in al-Ihtijaj: He said: Among what was transmitted from

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the Master of the Time (peace be upon him) to Muhammad ibn Abdullah ibn Ja'far al-Himyari in response to his questions, where he asked him about a woman whose husband dies - is it permissible for her to go out for his funeral or not? The signed response: (tawqi) She goes out for his funeral.

وهل يجوز لها وهي في عدتها أن تزور قبر زوجها : أم لا ؟. التوقيع: تزور قبر زوجها، ولا تبيت عن بيتها.

And is it permissible for her while she is in her waiting period to visit her husband's grave or not? The signed response: She visits her husband's grave but does not spend the night away from her house.

وهل يجوز لها أن تخرج في قضاء حق يلزمها، أم لا تخرج من بيتها وهي في عدتها؟ التوقيع: إذا كان حق خرجت فيه وقضته، وإن كان لها حاجة ولم يكن لها من ينظر فيها خرجت لها حتى تقضيها، ولا تبيت إلا في منزلها. ورواه الشيخ في كتاب (الغيبة).

And is it permissible for her to go out to fulfill a duty that is incumbent upon her, or should she not leave her house while in her waiting period? The signed response: If it is a duty, she goes out for it and fulfills it. If she has a need and has no one to look after it for her, she goes out for it until she fulfills it, but she only spends the night in her own home.

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CHAPTER 34

It Is Not A Condition In The Waiting Period Of Death That She Remain In One House, And The Ruling On Her Spending The Night Outside Her Home

[Hadith 28504 to 28506]

Hadith 28504

عن محمّد بن الحسن الصفّار، أنه كتب إلى أبي محمّد الحسن بن علي (عليهما السلام) في امرأة مات عنها زوجها، وهي في عدة منه، وهي محتاجة لا تجد من ينفق عليها، وهي تعمل للناس، هل يجوز لها أن تخرج وتعمل، وتبيت عن منزلها في عدتها؟ قال: فوقع (عليه السلام): لا بأس بذلك إن شاء الله.

From Muhammad ibn al-Hasan al-Saffar, that he wrote to Abu Muhammad al-Hasan ibn Ali (peace be upon them both) regarding a woman whose husband died while she was in her waiting period from him, and she was in need and could not find anyone to spend on her, and she works for people: Is it permissible for her to go out and work, and spend the night away from her home during her waiting period? He said: So he (peace be upon him) wrote back: There is no harm in that, God willing.

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Hadith 28505

عن يونس، عن أبي عبدالله (عليه السلام)، قال: سألته عن المتوفى عنها زوجها، تعتدُّ في بيت تمكث فيه شهراً، أو أقل من شهر، أو أكثر، ثمّ تتحول منه إلى غيره، فتمكث في المنزل الذي تحولت إليه مثل ما مكثت في المنزل الذي تحولت منه، كذا صنيعها حتى تنقضي عدتها، قال: يجوز ذلك لها، ولا بأس.

From Yunus, from Abu Abdullah (peace be upon him), he said: I asked him about a woman whose husband has died, observing her waiting period in a house where she stays for a month, or less than a month, or more, then she moves from it to another, and she stays in the house to which she moved for the same duration as she stayed in the house from which she moved, and she continues doing this until her waiting period expires. He said: That is permissible for her, and there is no harm.

Hadith 28506

عن محمّد بن مسلم، قال: جاءت امرأة إلى أبي عبدالله (عليه السلام) تستفتيه في المبيت في غير بيتها، وقد مات زوجها، فقال: إن أهل الجاهلية كان إذا مات زوج المرأة احدت عليه امرأته اثني عشر شهرا، فلما بعث الله محمّدا (صلى الله عليه وآله) رحم ضعفهن، فجعل عدتهن أربعة أشهر وعشرا، وأنتن لا تصبرن على هذا.

From Muhammad ibn Muslim, he said: A woman came to Abu Abdullah (peace be upon him) seeking a religious ruling about spending the night outside her house after her husband had died. He said: The people of the pre-Islamic period of ignorance (jahiliyyah), when a woman's husband died, his wife would observe mourning for him for twelve months. But when Allah sent

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Muhammad (may Allah's peace and blessings be upon him and his family), He had mercy on their weakness, so He made their waiting period four months and ten days, yet you women cannot be patient even with this.

أقول: وتقدم ما يدل على ذلك وعلى أن المبيت في غير بيتها جائز، إلاّ أنه يستحب لها تركه، وهذا الحديث وما وافقه، ممّا تقدم، يحتمل الحمل على التقية.

I (Hurr Amili) say: What has preceded indicates this and indicates that spending the night outside her house is permissible, except that it is recommended for her to avoid it. This hadith and what agrees with it from what has preceded can possibly be interpreted as taqiyyah (religious dissimulation).

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CHAPTER 35

The Obligation Of The Waiting Period Of Death Upon A Woman Whose Marriage Was Not Consummated

[Hadith 28507 to 28511]

Hadith 28507

عن محمّد بن مسلم، عن أحدهما (عليهما السلام) في الرجل يموت وتحته امرأة لم يدخل بها، قال: لها نصف المهر ولها الميراث كاملاً، وعليها العدة كاملة.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them both) regarding a man who dies while married to a woman with whom he had not consummated the marriage. He said: She receives half the dower, she receives the full inheritance, and she must observe the complete waiting period.

Hadith 28508

عن عبدالله بن سنان، عن أبي عبدالله (عليه السلام)، قال: قضى أمير المؤمنين (عليه السلام) في المتوفى عنها زوجها ولم يمسّها، قال: لا تنكح حتى تعتد أربعة أشهر وشهرا عدة المتوفى عنها زوجها.

From Abdullah ibn Sinan, from Abu Abdullah (peace be upon him), who said: Amir al-Muminin (peace be upon him) ruled regarding a woman whose husband died without having touched her, saying: She may not marry until she observes a waiting period of four months and ten days - the waiting period of a woman whose husband has died.

Hadith 28509

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: إن لم يكن دخل بها وقد فرض لها مهراً، فلها نصف ما فرض لها، ولها الميراث، وعليها العدّة.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: If he has not consummated the marriage with her and has stipulated a dower for her, then she receives half of what was stipulated for her, and she receives inheritance, and she must observe the waiting period.

Hadith 28510

عن محمّد بن عمر الساباطي، قال: سألت الرضا (عليه السلام) عن رجل تزوج امرأة، فطلّقها قبل أن يدخل بها، قال: لا عدة عليها، وسألته، عن المتوفى عنها زوجها من قبل أن يدخل بها، قال: لا عدة عليها، هما سواء.

From Muhammad ibn Umar al-Sabati, he said: I asked al-Rida (peace be upon him) about a man who married a woman then divorced her before consummating the marriage with her. He said: There is no waiting period upon her. And I asked him about one whose husband died before he consummated the marriage with her. He said: There is no waiting period upon her - they are the

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same.

Hadith 28511

عن عبيد بن زرارة، قال: سألت أبا عبدالله (عليه السلام) عن رجل طلق امرأته من قبل أن يدخل بها، أعليها عدة؟ قال: لا، قلت له: المتوفى عنها زوجها قبل أن يدخل بها، أعليها عدة؟ قال: أمسك عن هذا.

From Ubaid ibn Zurarah, he said: I asked Abu Abdullah (peace be upon him) about a man who divorced his wife before consummating the marriage with her - is there a waiting period upon her? He said: No. I said to him: What about one whose husband died before he consummated the marriage with her - is there a waiting period upon her? He said: Refrain from this.

أقول: ذكر الشيخ أن الاخبار السابقة موافقة لظاهر القرآن، فلا يجوز العدول عنها. انتهى. ويمكن الحمل على التقية في الخبرين الاخيرين بقرينة استدلاله في الأوّل بالقياس، ويحتمل الحمل على الانكار دون الاخبار، على أن الثاني لا تصريح فيه بشيء، بل هو قرينة للتقية، ويمكن الحمل على المتوفى عنها زوجها بعد الطلاق البائن ولو بغير فصل، وقد تقدم ما يدل على وجوب عدة الوفاة مع عدم الدخول في المهور في أحاديث كثيرة، ويأتي ما يدل عليه في المواريث.

I (Hurr Amili) say: The Shaykh mentioned that the previous reports are in accordance with the apparent meaning of the Quran, so it is not permissible to deviate from them. End quote. It is possible to interpret the last two reports as taqiyyah based on the indication that he used analogy in the first one. It is also possible to interpret it as denial rather than reporting. Moreover, the second one contains no explicit statement but is rather an indication of taqiyyah. It is also possible to interpret it as referring to one whose husband died after an irrevocable divorce, even without separation. What has preceded indicates the obligation of the death waiting period even without consummation in many hadiths about dowers, and what indicates this will come in the section on inheritance.

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CHAPTER 36

When A Husband Dies During The Revocable Waiting Period, The Woman Must Observe The Waiting Period Of Death, And Inheritance Is Established If Either Of Them Dies During It, And The Ruling On Death During An Irrevocable Divorce

[Hadith 28512 to 28520]

Hadith 28512

عن هشام بن سالم، عن أبي عبدالله (عليه السلام) في رجل كانت تحته امرأة فطلّقها، ثمّ مات قبل أن تنقضي عدتها، قال: تعتد أبعد الاجلين عدة المتوفى عنها زوجها.

From Hisham ibn Salim, from Abu Abdullah (peace be upon him) regarding a man who had a wife under him and divorced her, then died before her waiting period expired. He said: She observes the longer of the two periods - the waiting period of one whose husband has died.

Hadith 28513

عن عبدالله بن سنان، عن أبي عبدالله (عليه السلام)، قال: قضى أمير المؤمنين (عليه السلام) في رجل طلق امرأته، ثمّ توفّي عنها، وهي في عدتها، قال: ترثه، وإن توفيت وهي في عدّتها، فإنه يرثها، وكل واحد منهما يرث من دية صاحبه ما لم يقتل أحدهما الآخر.

From Abdullah ibn Sinan, from Abu Abdullah (peace be upon him), who said: Amir al-Muminin (peace be upon him) ruled regarding a man who divorced his wife, then died while she was in her waiting period. He said: She inherits from him, and if she dies while she is in her waiting period, then he inherits from her, and each of them inherits from the blood money of the other as long as neither kills the other.

وزاد فيه محمّد بن أبي حمزة: وتعتد عدة المتوفى عنها زوجها. قال الحسن بن سماعة: هذا الكلام سقط من كتاب ابن زياد، ولا أظنه إلا وقد رواه.

Muhammad ibn Abi Hamza added to it: And she observes the waiting period of one whose husband has died. Al-Hasan ibn Sama'a said: This statement was omitted from Ibn Ziyad's book, but I believe he must have narrated it.

Hadith 28514

عن محمّد بن قيس، عن أبي جعفر (عليه السلام)، قال: سمعته يقول: أيما امرأة طلّقت، ثمّ توفّي عنها زوجها قبل أن تنقضي عدتها ولم تحرم عليه، فانها ترثه، ثمّ تعتد عدة المتوفى عنها زوجها، وإن توفيت وهي في عدتها ولم تحرم عليه، فإنّه يرثها.

From Muhammad ibn Qays, from Abu Ja'far (peace be upon him), he said: I heard him say: Any woman who is divorced, then her husband dies before her waiting period (iddah) expires and she had not become forbidden to him, she inherits from him, then she observes the waiting period of a

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woman whose husband has died. And if she dies while in her waiting period and had not become forbidden to him, then he inherits from her.

Hadith 28515

عن عاصم بن حميد مثله، وزاد: وإن قتل ورثت من ديته، وإن قتلت ورث من ديتها، ما لم يقتل أحدهما الآخر.

From Asim ibn Humayd, similar to it, and he added: And if he is killed, she inherits from his blood money (diyah), and if she is killed, he inherits from her blood money, as long as neither of them killed the other.

Hadith 28516

عن جميل بن دراج، عن أحدهما (عليهما السلام) في رجل طلق امرأته طلاقا يملك فيه الرجعة، ثمّ مات عنها، قال: تعتد بأبعد الأجلين، أربعة أشهر وعشرا.

From Jamil ibn Darraj, from one of them (peace be upon them both) regarding a man who divorced his wife with a divorce in which the man retains the right of return (raj'ah), then died, he said: She observes the waiting period of the longer of the two terms - four months and ten days.

Hadith 28517

وعنه، عن بعض أصحابنا في المطلقة البائنة إذا توفي عنها زوجها، وهي في عدتها قال: تعتد بأبعد الاجلين.

And from him, from some of our companions regarding a woman divorced by irrevocable divorce (ba'inah) when her husband dies while she is in her waiting period (iddah), he said: She observes the waiting period according to the longer of the two prescribed periods.

أقول: هذا يحتمل الحمل على الاستحباب، ويحتمل أن يكون البائنة مستعملة بالمعنى اللغويّ، ويكون مخصوصا بالرجعي.

I (Hurr Amili) say: This can be interpreted as recommended (mustahabb), or it may be that "ba'inah" is used in its linguistic meaning, and it would be specific to revocable divorce (raj'i).

Hadith 28518

عن ابن سنان، عن أبي عبدالله (عليه السلام) في رجل طلّق امرأته، ثمّ توفّي عنها وهي في عدتها، فانّها ترثه، وتعتد عدة المتوفى عنها زوجها، وإن توفيت هي في عدتها فانه يرثها، وكل واحد منهما يرث من دية صاحبه لو قتل، ما لم يقتل أحدهما الآخر.

From Ibn Sinan, from Abu Abdullah (peace be upon him) regarding a man who divorced his wife, then died while she was in her waiting period: She inherits from him and observes the waiting period of a woman whose husband has died. If she dies during her waiting period, he inherits from her. Each of them inherits from the blood money (diyah) of the other if killed, as long as neither kills the other.

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Hadith 28519

عن محمّد بن قيس، عن أبي جعفر (عليه السلام)، قال: قضى في المرأة إذا طلّقها، ثمّ توفي عنها زوجها وهي في عدة منه ما لم تحرم عليه، فانها ترثه ويرثها ما دامت في الدم من حيضتها الثالثة في التطليقتين الأوّلتين، فان طلقها ثلاثا فانها لا ترث من زوجها، ولا يرث منها، فان قتلت ورث من ديتها، وإن قتل ورثت من ديته، ما لم يقتل أحدهما صاحبه.

From Muhammad ibn Qays, from Abu Ja'far (peace be upon him), he said: He ruled regarding a woman when her husband divorces her, then dies while she is in her waiting period from him - as long as she has not become forbidden to him - that she inherits from him and he inherits from her as long as she remains in the blood of her third menstruation in the first two divorces. If he divorced her three times, then she does not inherit from her husband nor does he inherit from her. If she is killed, he inherits from her blood money, and if he is killed, she inherits from his blood money, as long as neither kills the other.

Hadith 28520

عن سماعة قال: سألته عن رجل طلق امرأته، ثمّ إنه مات قبل أن تنقضي عدتها؟ قال: تعتد عدة المتوفى عنها زوجها، ولها الميراث.

From Sama'a, he said: I asked him about a man who divorced his wife, then he died before her waiting period (iddah) was completed. He said: She observes the waiting period of one whose husband has died, and she receives inheritance.

أقول: وتقدم ما يدل على ذلك، ويأتي ما يدل عليه، وتقدّم ما يدل على أن عدم التوارث في العدّة البائنة، وبعد العدة مخصوص بما عدا المريض.

I (Hurr Amili) say: What has preceded indicates this, and what follows will indicate it, and what has preceded indicates that the absence of mutual inheritance during the irrevocable waiting period and after the waiting period is specific to cases other than that of the sick person.

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CHAPTER 37

One Who Marries A Woman Who Already Has A Husband And Consummated With Her: He Owes The Dower, She Is Forbidden To Him Forever, And She Returns To The First Husband After Completing Her Waiting Period From The Latter. If Two Witnesses Testified Falsely For Her, They Are Liable For The Dower

[Hadith 28521 to 28526]

Hadith 28521

عن زرارة، عن أبي جعفر (عليه السلام)، قال: إذا نعي الرجل إلى أهله، أو خبروها أنه طلقها فاعتدت، ثمّ تزوّجت، فجاء زوجها بعد، فانّ الأوّل أحقُّ بها من هذا الرجل، دخل بها أو لم يدخل بها، ولها من الآخر المهر بما استحل من فرجها، قال: وليس للآخر أن يتزوجها أبدا.

From Zurarah, from Abu Ja'far (peace be upon him), he said: When a man's death is reported to his family, or they are informed that he divorced her, so she observed her waiting period, then married, and then her husband came afterwards, then the first one has more right to her than this man, whether he consummated with her or did not consummate with her. And she receives from the latter the dower for what he made lawful of her private parts. He said: And it is not permissible for the latter to marry her ever.

Hadith 28522

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: سألته عن رجلين شهدا على رجل غائب عند امرأته أنه طلّقها، فاعتدت المرأة، وتزوّجت، ثمّ إنّ الزوج الغائب قدم فزعم أنه لم يطلّقها، فأكذب نفسه أحد الشاهدين، فقال: لا سبيل للاخير عليها، ويؤخذ الصداق من الذي شهد، فيرد على الاخير، والأوّل أملك بها، وتعتدّ من الاخير ولا يقربها الأوّل حتى تنقضي عدتها.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: I asked him about two men who testified against an absent man in the presence of his wife that he had divorced her, so the woman observed her waiting period and married. Then the absent husband returned and claimed that he had not divorced her, so one of the witnesses contradicted himself. He said: The latter has no way to her, and the dower is taken from the one who testified, then returned to the latter, and the first has more right to her. She observes her waiting period from the latter, and the first may not approach her until her waiting period is completed.

Hadith 28523

عن محمّد بن قيس، قال: سألت أبا جعفر (عليه السلام) عن رجل حسب أهله أنه قد مات أو قتل، فنكحت امرأته، وتزوّجت سريته، وولدت كل واحد منهما من زوجها، فجاء زوجها الأوّل ومولى السرية، قال: فقال: يأخذ امرأته فهو أحق بها، ويأخذ سريته وولدها أو يأخذ رضا من ثمّنه.

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From Muhammad ibn Qays, he said: I asked Abu Ja'far (peace be upon him) about a man whose family thought that he had died or been killed, so his wife married another man, and his concubine also married, and each of them bore children from their new husbands. Then the first husband and the master of the concubine returned. He said: He takes back his wife, for he has more right to her, and he takes back his concubine and her child, or he takes compensation from its price.

Hadith 28524

عن زرارة، عن أبي جعفر (عليه السلام)، قال: إذا نعي الرجل إلى أهله، أو خبروها أنه قد طلقها فاعتدّت، ثمّ تزوّجت، فجاء زوجها الأوّل، قال: الأوّل أحق بها من الآخر، دخل بها أو لم يدخل بها، ولها من الآخر المهر بما استحل من فرجها.

From Zurarah, from Abu Ja'far (peace be upon him), he said: When news of a man's death reaches his family, or they are informed that he has divorced her, so she observes her waiting period (iddah) and then marries, but then her first husband comes, he said: The first one has more right to her than the second, whether he consummated the marriage with her or not, and she is entitled to the dower from the second for what he made lawful of her private parts.

Hadith 28525

عن أبي بصير وغيره عن أبي عبدالله (عليه السلام)، أنّه قال في شاهدين شهدا على امرأة بأن زوجها طلّقها، أو مات عنها، فتزوجت ثمّ جاء زوجها، قال: يضربان الحدّ، ويضمنان الصداق للزوج بما غرّاه، ثمّ تعتد، وترجع إلى زوجها الأوّل.

From Abu Basir and others, from Abu Abdullah (peace be upon him), that he said regarding two witnesses who testified about a woman that her husband had divorced her or died, so she married, then her husband came: They shall be given the prescribed punishment (hadd), and they shall guarantee the dower to the husband for what they deceived him about. Then she observes her waiting period and returns to her first husband.

Hadith 28526

عن أبي العباس، عن أبي عبدالله (عليه السلام) في المرأة تزوج في عدَّتها، قال: يفرق بينهما، وتعتد عدة واحدة منهما جميعا.

From Abu al-Abbas, from Abu Abdullah (peace be upon him) regarding a woman who marries during her waiting period (iddah), he said: They are to be separated, and she observes one waiting period for both of them together.

أقول: هذا يحتمل التقية، وتقدم ما يدل على ذلك في المصاهرة، وغيرها، ويأتي ما يدل عليه.

I (Hurr Amili) say: This bears the possibility of taqiyyah (precautionary dissimulation), and what has preceded indicates this in the chapter on marriage relationships and others, and what will come will indicate it.

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CHAPTER 38

When A Woman Receives News Of Her Husband's Death Or Divorce And Remarries, Then He Comes And It Becomes Clear That He Did Not Divorce Her, So Both Husbands Separate From Her, One Waiting Period Suffices For Her

[Hadith 28527 to 28528]

Hadith 28527

عن زرارة، قال: سألت أبا جعفر (عليه السلام) عن امرأة نعي إليها زوجها فاعتدَّت، فتزوجت، فجاء زوجها الأوّل ففارقها وفارقها الآخر، كم تعتدُّ للناس؟ قال: بثلاثة قروء، وإنّما يستبرء رحمها بثلاثة قروء تحلها للناس كلهم.

From Zurarah, he said: I asked Abu Ja'far (peace be upon him) about a woman who received news of her husband's death, so she observed her waiting period and then married. Then her first husband came, so he separated from her and the other one also separated from her. How long should she observe the waiting period for people? He said: Three menstrual cycles, and indeed her womb is cleared by three menstrual cycles which make her lawful for all people.

قال زرارة: وذلك أن اناسا قالوا: تعتد عدتين لكل واحدة عدّة، فأبى ذلك أبو جعفر (عليه السلام)، وقال: تعتد ثلاثة قروء، فتحل للرجال.

Zurarah said: This was because some people said she should observe two waiting periods - one for each husband. But Abu Ja'far (peace be upon him) rejected this and said: She observes three menstrual cycles, then she becomes lawful for men.

Hadith 28528

عن يونس، عن بعض أصحابه، في امرأة نعي إليها زوجها، فتزوّجت، ثمّ قدم زوجها الأوّل فطلقها وطلقها الآخر، فقال إبراهيم النخعي: عليها أن تعتد عدتين، فحملها زرارة إلى أبي جعفر (عليه السلام)، فقال: عليها عدة واحدة.

From Yunus, from some of his companions, regarding a woman who received news of her husband's death and married, then her first husband returned and divorced her, and the other one also divorced her. Ibrahim al-Nakha'i said: She must observe two waiting periods. So Zurarah brought her case to Abu Ja'far (peace be upon him), and he said: She must observe one waiting period.

أقول: وتقدم ما يدل على ذلك في المصاهرة.

I (Hurr Amili) say: What indicates this has already been mentioned in the chapter on marriage relationships.

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CHAPTER 39

The Obligation Of The Waiting Period (Iddah) Upon A Woman From A Eunuch, If He Has Consummated The Marriage With Her, Then Divorced Her

[Hadith 28529 to 28529]

Hadith 28529

عن أبي عبيدة، قال: سئل أبو جعفر (عليه السلام) عن خصي تزوج امرأة، وفرض لها صداقا، وهي تعلم أنه خصيٌّ؟ فقال: جايز، فقيل: فانه مكث معها ما شاء الله، ثمّ طلّقها، هل عليها عدة؟ قال: نعم، أليس قد لذّ منها، ولذّت منه؟

From Abu Ubaidah, he said: Abu Ja'far (peace be upon him) was asked about a eunuch who married a woman and stipulated a dower for her, while she knew that he was a eunuch. He said: It is permissible. It was then said: If he remained with her for whatever period Allah willed, then divorced her, is there a waiting period incumbent upon her? He said: Yes, did he not derive pleasure from her, and did she not derive pleasure from him?

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CHAPTER 40

The Waiting Period ('Iddah) Of A Female Slave From Divorce Is Two Menstrual Cycles, Even If Her Husband Is Free, And If She Does Not Menstruate But Is Of An Age Where She Could Menstruate, Then Forty-Five Days

[Hadith 28530 to 28536]

Hadith 28530

عن زرارة، عن أبي جعفر (عليه السلام)، قال: سألته عن حر تحته أمة، أو عبد تحته حرَّة، كم طلاقها وكم عدتها؟ فقال: السنّة في النساء في الطلاق، فإن كانت حرة فطلاقها ثلاثاً، وعدّتها ثلاثة أقراء، وإن كان حرّ تحته أمة فطلاقه تطليقتان وعدّتها قِرءان.

From Zurarah, from Abu Ja'far (peace be upon him), he said: I asked him about a free man married to a female slave, or a male slave married to a free woman - how many divorces can he give her and what is her waiting period? He said: The practice (sunnah) regarding women in divorce is that if she is free, then her divorce is three times and her waiting period is three menstrual cycles. But if a free man has a female slave under him (as wife), then his divorce of her is two divorces and her waiting period is two menstrual cycles.

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Hadith 28531

عن محمّد بن قيس، عن أبي جعفر (عليه السلام)، قال: سمعته يقول: طلاق العبد للامة تطليقتان، وأجلها حيضتان إن كانت تحيض، وإن كانت لا تحيض فأجلها شهر ونصف.

From Muhammad ibn Qays, from Abu Ja'far (peace be upon him), he said: I heard him saying: The divorce of a male slave regarding a female slave is two divorces, and her term is two menstrual periods if she menstruates. But if she does not menstruate, then her term is a month and a half.

Hadith 28532

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: عدة الامة حيضتان، وقال: إذا لم تكن تحيض فنصف عدّة الحرّة.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), who said: The waiting period (iddah) of a slave woman is two menstrual cycles. And he said: If she does not menstruate, then half the waiting period of a free woman.

أقول: المراد من الحيضتين: أنّه لا بدّ من دخول الحيضة الثانية ليتم الطهران، وإن لم يتم الحيض الثاني ؛ لما مرّ، أو محمول على التقية، أو على الاستحباب، أو على عدم جواز تمكين الزوج الثاني في الحيض الثاني.

I (Hurr Amili) say: What is meant by the two menstrual cycles is that it is necessary for the second menstrual cycle to begin for the two periods of purity to be complete, even if the second menstruation is not completed, based on what has passed, or it is interpreted as dissimulation

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(taqiyyah), or as recommended, or as meaning that the second husband is not permitted to have relations during the second menstruation.

Hadith 28533

عن سليمان بن خالد، قال: سألت أبا عبدالله (عليه السلام) عن الامة إذا طلّقت، ما عدتها؟ فقال: حيضتان، أو شهران حتى تحيض.

From Sulayman ibn Khalid, who said: I asked Abu Abdullah (peace be upon him) about a slave woman when she is divorced, what is her waiting period? He said: Two menstrual cycles, or two months until she menstruates.

أقول: هذا محمول على التقيّة، ويحتمل الحمل على الاستحباب، وعلى المستحاضة التي تحيض كل شهر مرّة، ولا تعلم أيام حيضها في أوّل الشهر، أو في آخره؛ بقرينة قوله: حتى تحيض.

I (Hurr Amili) say: This is interpreted as taqiyyah, and it may be interpreted as recommended, or concerning a woman with irregular bleeding (mustahada) who menstruates once each month but does not know her menstrual days whether at the beginning of the month or at its end, based on the indication of his saying "until she menstruates."

Hadith 28534

عن محمّد بن الفضيل، عن أبي الحسن، (عليه السلام) قال: طلاق الامة تطليقتان، وعدتها حيضتان، فإن كانت قد قعدت عن المحيض، فعدّتها شهر ونصف.

From Muhammad ibn al-Fudayl, from Abu al-Hasan (peace be upon him), who said: The divorce of a slave woman is two divorces, and her waiting period is two menstrual cycles. If she has ceased menstruating, then her waiting period is one and a half months.

Hadith 28535

عن مفضل بن صالح، عن ليث بن البختري المراديّ، قال: قلت لابي عبدالله (عليه السلام): كم تعتد الامة من ماء العبد؟ قال: حيضة.

From Layth ibn al-Bukhtari al-Muradi, who said: I said to Abu Abdullah (peace be upon him): How long is the waiting period (iddah) for a slave woman from the water of a male slave? He said: One menstrual cycle.

أقول: حمله الشيخ على أن الاعتبار بالقرءين، فلا يلزمها إلا حيضة واحدة كاملة، ويكفيها دخول الثانية؛ لما مرّ، ويمكن حمله على استبراء المولى لها إذا عزلها عن عبده، لما مرّ، إذ ليس فيه ذكر الطلاق، ويحتمل الحمل على استبراء المشتري لها إذا فسخ عقدها.

I (Hurr Amili) say: The Shaykh interpreted this as meaning that consideration is given to the menstrual periods (quru'), so only one complete menstrual cycle is required of her, and it suffices for her to enter into the second one, based on what has passed. It is possible to interpret this as referring to the master's examination of her when he separates her from his slave, based on what

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has passed, since there is no mention of divorce in it. It could also be interpreted as referring to the buyer's examination of her when he cancels her contract.

Hadith 28536

عن سماعة، عن أبي عبدالله (عليه السلام)، قال: عدة الامة التي لا تحيض خمسة وأربعون ليلة، يعني: إذا طلقت.

From Sama'ah, from Abu Abdullah (peace be upon him), said: The waiting period of a slave woman who does not menstruate is forty-five nights, meaning: when she is divorced.

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CHAPTER 41

The Waiting Period (Iddah) Of A Free Woman From Divorce Is Three Menstrual Cycles Or Three Months, Even If Her Husband Was A Slave

[Hadith 28537 to 28537]

Hadith 28537

عن حماد بن عيسى، عن أبي عبدالله (عليه السلام)، قال: قال أمير المؤمنين (عليه السلام): إذا كانت الحرة تحت العبد فالطلاق والعدة بالنساء، يعني: يطلقها ثلاثاً، وتعتدُّ ثلاث حيض.

From Hammad ibn Isa, from Abu Abdullah (peace be upon him), who said: Amir al-Muminin (peace be upon him) said: When a free woman is married to a slave, the divorce and waiting period follow the woman's status, meaning: he divorces her three times, and she observes a waiting period of three menstrual cycles.

أقول: وتقدم ما يدل على ذلك عموما وخصوصا.

I (Hurr Amili) say: What has preceded indicates this both generally and specifically.

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CHAPTER 42

The Waiting Period (Iddah) Of A Slave Woman From Death Is Like The Waiting Period Of A Free Woman: Four Months And Ten Days, Except That She Does Not Observe Mourning (Hidad). Likewise When Her Master Dies

[Hadith 28538 to 28548]

Hadith 28538

عن سليمان بن خالد، قال: سألت أبا عبدالله (عليه السلام) عن الامة إذا طلّقت، ما عدّتها؟ قال: حيضتان أو شهران حتى تحيض، قلت: فان توفي عنها زوجها؟ فقال: إن عليا (عليه السلام) قال في امهات الأوّلاد: لا يتزوجن حتى يعتددن أربعة أشهر وعشراً، وهن إماء.

From Sulayman ibn Khalid, he said: I asked Abu Abdullah (peace be upon him) about the slave woman when she is divorced, what is her waiting period? He said: Two menstrual cycles or two months until she menstruates. I said: What if her husband dies? He said: Indeed Ali (peace be upon him) said regarding the mothers of children: They should not marry until they complete a waiting period of four months and ten days, and they are slave women.

Hadith 28539

عن زرارة، عن أبي جعفر (عليه السلام)، قال: إن الامة والحرة كلتيهما إذا مات (عنها زوجها) سواء في العدّة، إلاّ أنّ الحرّة تحدّ، والامة لا تحد.

From Zurarah, from Abu Ja'far (peace be upon him), he said: Indeed the slave woman and the free woman are both equal in the waiting period when her husband dies, except that the free woman observes mourning while the slave woman does not observe mourning.

Hadith 28540

عن وهب بن عبد ربه، عن أبي عبدالله (عليه السلام) قال: سألته عن رجل كانت له ام ولد، فزوّجها من رجل، فأولدها غلاماً، ثمّ إنّ الرجل مات فرجعت إلى سيّدها، أله أن يطأها؟ قال: تعتد من الزوج أربعة أشهر وعشرة أيّام، ثمّ يطأها بالملك بغير نكاح.

From Wahb ibn Abd Rabbih, from Abu Abdullah (peace be upon him), he said: I asked him about a man who had an umm walad (slave woman who bore him a child), and he married her to another man, and she bore him a son. Then the man died and she returned to her master. Is it permissible for him to have intercourse with her? He said: She must observe the waiting period (iddah) from her husband for four months and ten days, then he may have intercourse with her by right of ownership without marriage.

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Hadith 28541

عن إسحاق بن عمّار، قال: سألت أبا إبراهيم (عليه السلام) عن الامة يموت سيدها، قال: تعتد عدة المتوفى عنها زوجها.

From Ishaq ibn Ammar, he said: I asked Abu Ibrahim (peace be upon him) about a slave woman whose master dies. He said: She observes the waiting period of a woman whose husband has died.

Hadith 28542

عن سليمان بن خالد، عن أبي عبدالله (عليه السلام)، قال: عدة المملوكة المتوفى عنها زوجها أربعة أشهر وعشرا.

From Sulayman ibn Khalid, from Abu Abdullah (peace be upon him), he said: The waiting period of a slave woman whose husband has died is four months and ten days.

Hadith 28543

عن أبي بصير، قال: سألت أبا عبدالله (عليه السلام) عن طلاق الامة؟ فقال: تطليقتان، وقال: قال أبو عبدالله (عليه السلام): عدة الامة التي يتوفى عنها زوجها شهران وخمسة أيام، وعدة الامة المطلقة شهر ونصف. أقول: يأتي وجهه.

From Abu Basir, he said: I asked Abu Abdullah (peace be upon him) about the divorce of a slave woman. He said: Two divorces. And he said: Abu Abdullah (peace be upon him) said: The waiting period (iddah) of a slave woman whose husband dies is two months and five days, and the waiting period of a divorced slave woman is a month and a half. I (Hurr Amili) say: Its reasoning will come.

Hadith 28544

عن سماعة بن مهران، قال: سألته عن الامة يتوفى عنها زوجها، فقال: عدتها شهران وخمسة أيّام، وقال: عدة الامة التي لا تحيض خمسة وأربعون يوما.

From Sama'ah ibn Mihran, he said: I asked him about a slave woman whose husband dies. He said: Her waiting period is two months and five days. And he said: The waiting period of a slave woman who does not menstruate is forty-five days.

Hadith 28545

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: عدة الامة إذا توفي عنها زوجها شهران وخمسة أيّام، وعدة المطلقة التي لا تحيض شهر ونصف.

From al-Halabi, from Abu Abdullah (peace be upon him), he said: The waiting period of a slave woman when her husband dies is two months and five days, and the waiting period of a divorced woman who does not menstruate is a month and a half.

Hadith 28546

عن محمّد بن مسلم، عن أبي عبدالله (عليه السلام)، قال: الامة إذا توفي عنها زوجها فعدتها شهران وخمسة أيام.

From Muhammad ibn Muslim, from Abu Abdullah (peace be upon him), who said: When a slave woman's husband dies, her waiting period is two months and five days.

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Hadith 28547

عن محمّد بن قيس، عن أبي جعفر (عليه السلام)، قال: سمعته يقول: طلاق العبد للامة تطليقتان، وأجلها حيضتان إن كانت تحيض، وإن كانت لا تحيض فأجلها شهر ونصف، وإن مات عنها زوجها فأجلها نصف أجل الحرّة، شهران وخمسة أيام.

From Muhammad ibn Qays, from Abu Ja'far (peace be upon him), who said: I heard him say: A slave's divorce of a slave woman consists of two divorces, and her waiting period is two menstrual cycles if she menstruates, and if she does not menstruate then her waiting period is a month and a half. If her husband dies, then her waiting period is half that of a free woman: two months and five days.

Hadith 28548

عن سماعة، عن أبي عبدالله (عليه السلام)، قال: سألته عن عدة الامة التي يتوفى عنها زوجها؟ قال: شهر ونصف. قال الشيخ: هذا قد وهم الراوي في نقله ؛ لأنّه لا يمتنع أن يكون ذلك في المطلقة فاشتبه عليه، فرواه في المتوفى عنها.

From Sama'a, from Abu Abdullah (peace be upon him), who said: I asked him about the waiting period of a slave woman whose husband dies. He said: A month and a half. The Shaykh said: The narrator erred in his transmission here, because it is not unlikely that this refers to a divorced woman and he became confused, so he narrated it regarding one whose husband died.

أقول: يحتمل الحمل على الامة المتوفى عنها، وهي في العدة البائنة، وعلى المتعة المتوفى عنها في العدة ؛ لما مضى، ويأتي.

I (Hurr Amili) say: It is possible to interpret this as referring to a slave woman whose husband died while she was in an irrevocable waiting period, and to a temporary wife whose husband died during the waiting period, based on what has passed and what will come.

والشيخ حمل ما تضمن أربعة أشهر وعشر على ام الولد، وقد خالف ذلك في جملة من كتبه، وعمل به على إطلاقه، وكذلك جماعة من علمائنا، والاقرب والاحوط حمل ما تضمن شهرين وخمسة أيام على التقيّة ؛ لموافقته لجمع من العامة، وتقدم ما يدل على ذلك أيضا ؛ ويأتي ما يدل عليه في عدة المتعة، وغيرها.

The Shaykh interpreted what includes four months and ten days as referring to an umm walad (slave woman who bore her master's child), though he contradicted this in several of his books and applied it generally, as did a group of our scholars. The closest and most cautious interpretation is to understand what includes two months and five days as taqiyya (dissimulation), due to its agreement with a group of the common people (Sunnis), and what has preceded indicates this as well, and what will come indicates it regarding the waiting period of temporary marriage and others.

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CHAPTER 43

Obligation Of The Waiting Period (Iddah) Of A Free Woman From Divorce Upon A Female Slave When Her Master Has Relations With Her Then Frees Her, And She Wishes To Marry Another, And The Ruling If He Dies During The Waiting Period

[Hadith 28549 to 28557]

Hadith 28549

عن الحلبي، عن أبي عبدالله (عليه السلام)، قال: قلت له: الرجل يكون تحته السرية فيعتقها، فقال: لا يصلح له أن تنكح حتى تنقضي عدتها ثلاثة أشهر، وإن توفي عنها مولاها فعدتها أربعة أشهر وعشر.

From al-Halabi, from Abu Abdullah (peace be upon him), who said: I said to him: A man who has a concubine under him and then frees her. He said: It is not permissible for her to marry until her waiting period expires - three months. And if her master dies while she is in this state, then her waiting period is four months and ten days.

Hadith 28550

عن الحلبي، عن أبي عبدالله (عليه السلام)، أنّه قال في رجل كانت له أمة فوطئها، ثمّ أعتقها، وقد حاضت عنده حيضة بعد ما وطئها، قال: تعتد بحيضتين.

From al-Halabi, from Abu Abdullah (peace be upon him), that he said regarding a man who had a female slave and had relations with her, then freed her, and she had menstruated once in his presence after he had relations with her. He said: She observes a waiting period of two menstrual cycles.

Hadith 28551

قال ابن أبي عمير: وفي حديث آخر: تعتد بثلاثة حيض.

Ibn Abi Umayr said: And in another hadith: She observes the waiting period of three menstrual cycles.

Hadith 28552

عن الحلبيّ، قال: سألت أبا عبدالله (عليه السلام) عن رجل يعتق سرّيته، أيصلح له أن يتزوجها بغير عدة؟ قال: نعم، قلت: فغيره؟ قال: لا، حتى تعتد ثلاثة أشهر. قال: وسئل عن رجل قطع على أمته، يصلح له أن يزوجها قبل أن تعتد؟ قال: لا، قلت: كم عدتها، قال: حيضة أو اثنتان.

From al-Halabi, he said: I asked Abu Abdullah (peace be upon him) about a man who frees his female slave - is it permissible for him to marry her without a waiting period? He said: Yes. I said: What about someone else? He said: No, not until she observes a waiting period of three months.

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He said: And he was asked about a man who has sexual intercourse with his female slave - is it permissible for him to marry her off before she observes a waiting period? He said: No. I said: How long is her waiting period? He said: One or two menstrual cycles.

Hadith 28553

عن زرارة، عن أبي جعفر (عليه السلام) في الامة إذا غشيها سيّدها، ثمّ أعتقها فإنّ عدَّتها ثلاثة حيض، فان مات عنها فأربعة أشهر وعشرا.

From Zurarah, from Abu Ja'far (peace be upon him) regarding the female slave: If her master has sexual relations with her, then frees her, her waiting period is three menstrual cycles. If he dies while she is still with him, then it is four months and ten days.

Hadith 28554

عن أبي بصير، عبدالله (عليه السلام)، قال: سألته عن رجل أعتق وليدته عند الموت؟ فقال: عدتها عدة المتوفى عنها زوجها أربعة أشهر وعشر، قال: وسألته عن رجل أعتق وليدته، وهو حيّ، وقد كان يطؤها؟ فقال: عدتها عدة الحرة المطلقة ثلاثة قروء. ورواه الشيخ بإسناده عن أحمد بن محمّد مثله، إلاّ أنّه قال في أوّله: عدة الحرة المتوفى عنها.

From Abu Basir, from Abdullah (peace be upon him), he said: I asked him about a man who freed his female slave at the time of death. He said: Her waiting period is the waiting period of one whose husband has died - four months and ten days. He said: And I asked him about a man who freed his female slave while he was alive, and he had been having relations with her. He said: Her waiting period is the waiting period of a free divorced woman - three menstrual periods. And the Shaykh narrated it through his chain from Ahmad ibn Muhammad likewise, except that he said at the beginning: the waiting period of a free woman whose husband has died.

Hadith 28555

عن داود الرقي، عن أبي عبدالله (عليه السلام) في المدبرة إذا مات مولاها: إن عدتها أربعة أشهر وعشر من يوم يموت سيّدها، إذا كان سيّدها يطؤها، قيل له. فالرجل يعتق مملوكته قبل موته بيوم أو بساعة ثمّ يموت، قال: فقال: فهذه تعتد بثلاث حيض أو ثلاثة قروء من يوم أعتقها سيدها.

From Dawud al-Riqqi, from Abu Abdullah (peace be upon him) regarding the mudabbara (slave woman promised freedom upon her master's death) when her master dies: Her waiting period is four months and ten days from the day her master dies, if her master was having relations with her. It was said to him: What about a man who frees his slave woman a day or an hour before his death and then dies? He said: This one observes a waiting period of three menstrual cycles or three quru from the day her master freed her.

Hadith 28556

عن أبي بصير، قال: قلت لابي عبدالله (عليه السلام): الرجل تكون عنده السرية له، وقد ولدت منه، ومات ولدها، ثمَّ يعتقها، قال: لا يحلُّ لها أن تتزوج حتى تنقضي عدتها ثلاثة أشهر.

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From Abu Basir, he said: I said to Abu Abdullah (peace be upon him): A man who has a concubine with him, and she has given birth from him, and her child died, then he frees her. He said: It is not lawful for her to marry until her waiting period is completed - three months.

Hadith 28557

عن جميل بن دراج، عن بعض أصحابه، أنّه قال في رجل أعتق امّ ولده، ثمّ توفي عنها قبل أن تنقضي عدتها، قال: تعتد بأربعة أشهر وعشر، وإن كانت حبلى اعتدت بأبعد الاجلين.

From Jamil ibn Darraj, from some of his companions, that he said regarding a man who freed his umm walad (mother of his child), then died while she was still in her waiting period: She observes a waiting period of four months and ten days, and if she was pregnant, she observes whichever of the two periods is longer.

أقول: وتقدم ما يدل على ذلك، ويأتي ما يدل عليه، والاخير محمول على الاستحباب.

I (Hurr Amili) say: What has preceded indicates this, and what follows will indicate it, and the latter is interpreted as being recommended.

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CHAPTER 44

The Obligation Of Waiting Period ('Iddah) For An Adulteress When She Wishes To Marry The Adulterer Or Someone Else

[Hadith 28558 to 28561]

Hadith 28558

عن إسحاق بن جرير، عن أبي عبدالله (عليه السلام)، قال: قلت له: الرجل يفجر بالمرأة، ثمّ يبدو له في تزويجها، هل يحل له ذلك؟ قال: نعم، إذا هو اجتنبها حتى تنقضي عدتها باستبراء رحمها من ماء الفجور، فله أن يتزوجها، وإنما يجوز له (تزويجها) بعد أن يقف على توبتها.

From Ishaq ibn Jarir, from Abu Abdullah (peace be upon him), he said: I said to him: A man commits adultery with a woman, then it occurs to him to marry her. Is this permissible for him? He said: Yes, if he abstains from her until her waiting period is completed by cleansing her womb from the water of adultery, then he may marry her. And it is only permissible for him to marry her after he is certain of her repentance.

Hadith 28559

الحسن بن علي بن شعبة في (تحف العقول): عن أبي جعفر محمّد بن علي الجواد (عليه السلام)، أنّه سئل عن رجل نكح امرأة على زنا، أيحل له أن يتزوجها؟

Al-Hasan ibn Ali ibn Shu'ba in Tuhaf al-Uqul: From Abu Ja'far Muhammad ibn Ali al-Jawad (peace be upon him), that he was asked about a man who had intercourse with a woman through adultery, is it permissible for him to marry her?

فقال: يدعها حتى يستبرئها من نطفته ونطفة غيره، إذ لا يؤمن منها أن تكون قد أحدثت مع غيره حدثا كما أحدثت معه، ثمّ يتزوج بها إن أراد، فانّما مثلها مثل نخلة أكل رجل منها حراما، ثمّ اشتراها، فأكل منها حلالا.

He said: He should leave her until he cleanses her from his seed and the seed of others, since it cannot be guaranteed that she has not committed an act with someone else as she committed with him. Then he may marry her if he wishes, for her example is like a date palm from which a man ate unlawfully, then he purchased it and ate from it lawfully.

أقول: وتقدم ما يدل على ذلك بعمومه وإطلاقه في أحاديث الجنابة، وعدة غير المدخول بها، وفي المهور، وغير ذلك.

I (Hurr Amili) say: What has preceded indicates this through its generality and absoluteness in the hadiths concerning ritual impurity (janaba), the waiting period of the non-consummated wife, regarding dowers, and other matters.

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Hadith 28560

كقولهم (عليهم السلام): إذا أدخله، فقد وجبت العدة والغسل والمهر والرجم.

As they (peace be upon them) said: If he inserts it, then the waiting period, ritual bath, dower, and stoning become obligatory.

Hadith 28561

وقولهم (عليهم السلام): العدة من الماء، وغير ذلك.

And their saying (peace be upon them): The waiting period is from the water, and other than that.

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CHAPTER 45

The Waiting Period (Iddah) Of A Dhimmi Woman From Divorce And Death Is Like That Of A Slave Woman, But If She Converts To Islam During The Waiting Period, Then She Has The Waiting Period Of A Free Woman

[Hadith 28562 to 28563]

Hadith 28562

عن زرارة، عن أبي جعفر (عليه السلام)، قال: سألته عن نصرانية كانت تحت نصراني وطلقها، هل عليها عدة مثل عدة المسلمة؟ فقال: لا ؛ لانّ أهل الكتاب مماليك للامام، ألا ترى أنهم يؤدون الجزية، كما يؤدّي العبد الضريبة إلى مواليه؟ قال: ومن أسلم منهم فهو حر تطرح عنه الجزية.

From Zurarah, from Abu Ja'far (peace be upon him), he said: I asked him about a Christian woman who was married to a Christian man and he divorced her - does she have a waiting period like that of a Muslim woman? He said: No, because the People of the Book are slaves of the Imam. Do you not see that they pay the jizyah just as a slave pays tax to his master? He said: And whoever among them converts to Islam becomes free and the jizyah is dropped from him.

قلت: فما عدتها إن أراد المسلم أن يتزوجها؟ قال: عدتها عدة الامة حيضتان، أو خمسة وأربعون يوما قبل أن تسلم.

I said: What is her waiting period if a Muslim man wants to marry her? He said: Her waiting period is the waiting period of a slave woman - two menstrual cycles, or forty-five days before she converts to Islam.

قلت له: فان أسلمت بعد ما طلّقها، قال: إذا أسلمت بعد ما طلقها فإن عدتها عدة المسلمة. قلت: فان مات عنها، وهي نصرانيّة، وهو نصرانيّ، فأراد رجل من المسلمين أن يتزوجها، قال: لا يتزوجها المسلم حتى تعتد من النصراني أربعة أشهر وعشرا عدة المسلمة المتوفى عنها زوجها.

I said to him: What if she converts to Islam after he divorced her? He said: If she converts to Islam after he divorced her, then her waiting period is the waiting period of a Muslim woman. I said: What if he dies while she is Christian and he is Christian, and a Muslim man wants to marry her? He said: The Muslim man may not marry her until she observes the waiting period from the Christian - four months and ten days, the waiting period of a Muslim woman whose husband has died.

قلت له: كيف جعلت عدتها إذا طلقت عدة الامة، وجعلت عدتها إذا مات عنها عدَّة الحرَّة المسلمة، وأنت تذكر أنهم مماليك للامام؟ قال: ليس عدتها في الطلاق كعدتها إذا توفي عنها زوجها، ثمّ قال: إن الامة والحرة كلتيهما إذا مات عنهما زوجهما سواء في العدّة، إلاّ أنّ الحرّة تحدّ، والامة لا تحد.

I said to him: How did you make her waiting period when divorced the waiting period of a slave woman, but made her waiting period when he dies the waiting period of a free Muslim woman,

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while you mention that they are slaves of the Imam? He said: Her waiting period in divorce is not like her waiting period when her husband dies. Then he said: The slave woman and the free woman are both equal in the waiting period when their husband dies, except that the free woman observes mourning while the slave woman does not observe mourning.

Hadith 28563

عن يعقوب السراج، قال: سألت أبا عبدالله (عليه السلام) عن نصرانية مات عنها زوجها، وهو نصرانيّ، ما عدتها؟ قال: عدة الحرة المسلمة أربعة أشهر وعشر.

From Ya'qub al-Sarraj, he said: I asked Abu Abdullah (peace be upon him) about a Christian woman whose husband died while he was Christian - what is her waiting period? He said: The waiting period of a free Muslim woman - four months and ten days.

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CHAPTER 46

A Polytheist Woman Who Has A Husband, When She Accepts Islam, Must Observe The Waiting Period Of A Divorced Free Woman

[Hadith 28564 to 28565]

Hadith 28564

عن حمران، عن أبي جعفر (عليه السلام) في ام ولد لنصراني أسلمت، أيتزوّجها المسلم؟ قال: نعم، وعدتها من النصراني إذا أسلمت عدة الحرة المطلقة ثلاثة أشهر أو ثلاثة قروء، فإذا انقضت عدتها فليتزوجها إن شاءت.

From Humran, from Abu Ja'far (peace be upon him) regarding a slave woman who bore children to a Christian man and then accepted Islam: Can a Muslim man marry her? He said: Yes, and her waiting period from the Christian when she accepts Islam is the waiting period of a divorced free woman - three months or three menstrual cycles. When her waiting period is completed, then let him marry her if she wishes.

Hadith 28565

عن يونس، قال: عدة العلجة إذا أسلمت عدّة المطلّقة، إذا أرادت أن تزوَّج غيره.

From Yunus, he said: The waiting period of a non-Arab woman when she accepts Islam is the waiting period of a divorced woman, if she wants to marry someone else.

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CHAPTER 47

Whoever Has Four Wives And Divorces One Of Them With A Revocable Divorce, It Is Not Permissible For Him To Marry Another Until The Waiting Period Of The Divorced Woman Expires, And If He Is Absent, He Should Wait Nine Months

[Hadith 28566 to 28568]

Hadith 28566

عن حماد بن عثمّان قال: قلت لابي عبدالله (عليه السلام): ما تقول في رجل له أربع نسوة، طلّق واحدة منهنّ وهو غائب عنهنَّ، متى يجوز له أن يتزوج؟ قال: بعد تسعة أشهر، وفيها أجلان: فساد الحيض، وفساد الحمل.

From Hammad ibn Uthman who said: I said to Abu Abdullah (peace be upon him): What do you say about a man who has four wives and divorces one of them while he is absent from them - when is it permissible for him to marry? He said: After nine months, and in this there are two terms: the corruption of menstruation and the corruption of pregnancy.

Hadith 28567

عن عمار، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: وعن رجل جمع أربع نسوة وطلق واحدة، فهل يحل له أن يتزوج اخرى مكان التي طلق؟ قال: لا يحل له أن يتزوج أُخرى، حتّى تعتدّ مثل عدّتها، وإن كان التي طلقها أمة اعتدت نصف العدة لأنّ عدّة : الامة نصف العدة خمسة وأربعون يوما.

From Ammar, from Abu Abdullah (peace be upon him) - in a hadith - he said: And concerning a man who gathered four wives and divorced one, is it lawful for him to marry another in place of the one he divorced? He said: It is not lawful for him to marry another until she completes a waiting period like her waiting period. And if the one he divorced was a slave woman, she observes half the waiting period because the waiting period of a slave woman is half the waiting period - forty-five days.

Hadith 28568

عن عبدالله بن سنان، عن أبي عبدالله (عليه السلام)، انه قال في رجل تحته أربع نسوة فطلق إحداهن قال: لا ينكح حتى تنقضي عدة التي طلق.

From Abdullah ibn Sinan, from Abu Abdullah (peace be upon him), that he said regarding a man who has four wives and divorces one of them: He may not marry until the waiting period (iddah) of the one he divorced has expired.

أقول: وتقدم ما يدل على ذلك في استيفاء العدد وغيره.

I (Hurr Amili) say: What indicates this has been mentioned previously in the discussion of completing the number [of wives] and other matters.

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CHAPTER 48

Whoever Divorces His Wife With A Revocable Divorce Is Not Permitted To Marry Her Sister Until Her Waiting Period Expires, And Likewise Regarding Temporary Marriage When Its Term Expires, But It Is Permissible During The Waiting Period Of Irrevocable Divorce And After Death

[Hadith 28569 to 28573]

Hadith 28569

عن أبي بصير ـ يعني المراديّ ـ عن أبي عبدالله (عليه السلام) قال: سألته عن رجل اختلعت منه امرأته أيحل له أن يخطب اختها من قبل أن تنقضي عدة المختلعة؟ قال: نعم، قد برئت عصمتها منه وليس له عليها رجعة.

From Abu Basir - meaning al-Muradi - from Abu Abdullah (peace be upon him), he said: I asked him about a man whose wife obtained khula divorce from him - is it permissible for him to propose to her sister before the waiting period of the divorced woman expires? He said: Yes, her bond to him has been severed and he has no right of return over her.

Hadith 28570

عن حماد عن الحلبي، عن أبي عبدالله (عليه السلام) في رجل طلق امرأة، أو اختلعت، أو بانت، أله أن يتزوج باختها؟ قال: فقال: إذا برئت عصمتها ولم يكن له عليها رجعة، فله أن يخطب اختها.

From Hammad from al-Halabi, from Abu Abdullah (peace be upon him) regarding a man who divorced his wife, or she obtained khula, or the divorce was irrevocable - is it permissible for him to marry her sister? He said: When her bond is severed and he has no right of return over her, then it is permissible for him to propose to her sister.

Hadith 28571

عن علي بن أبي حمزة، عن أبي إبراهيم (عليه السلام)، قال: سألته عن رجل طلق امرأته، أيتزوج اختها؟ قال: لا حتى تنقضي عدتها، قال: وسألته عن رجل كانت له امرأة فهلكت، أيتزوج اختها؟ قال: من ساعته إن أحب.

From Ali ibn Abi Hamza, from Abu Ibrahim (peace be upon him), he said: I asked him about a man who divorced his wife - can he marry her sister? He said: No, not until her waiting period expires. He said: And I asked him about a man who had a wife and she died - can he marry her sister? He said: From that very moment if he wishes.

Hadith 28572

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: إذا اختلعت المرأة من زوجها، فلا بأس أن يتزوج اختها، وهي في العدة.

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From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: When a woman is divorced through khula from her husband, there is no harm in him marrying her sister while she is still in her waiting period.

Hadith 28573

عن أبي اسامة ـ جميعا ـ عن أبي عبدالله (عليه السلام)، قال: المختلعة إذا اختلعت من زوجها، ولم يكن له عليها رجعة، حلّ له أن يتزوّج اختها في عدَّتها.

From Abu Usama - both of them - from Abu Abdullah (peace be upon him), he said: The woman who has undergone khula, when she is divorced through khula from her husband and he has no right of return over her, it becomes lawful for him to marry her sister during her waiting period.

أقول: وتقدم ما يدل على ذلك في المصاهرة، وغيرها.

I (Hurr Amili) say: What has preceded indicates this in the chapter on marriage relationships and elsewhere.

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CHAPTER 49

Regarding The Divorced Pregnant Woman: When She Gives Birth, It Is Permissible For Her To Marry, But It Is Not Permissible For Her To Allow Her Husband Intimate Relations Until She Emerges From The Postnatal Bleeding Period

[Hadith 28574 to 28574]

Hadith 28574

عن عبدالله بن سنان، عن ابي عبدالله (عليه السلام)، قال: سألته عن المرأة تضع، أيحلّ أن تزوج قبل أن تطهر؟ قال: نعم، وليس لزوجها أن يدخل بها حتى تطهر.

From Abdullah ibn Sinan, from Abu Abdullah (peace be upon him), he said: I asked him about a woman who gives birth - is it permissible for her to marry before she becomes purified? He said: Yes, but it is not permissible for her husband to consummate the marriage with her until she becomes purified.

أقول: وتقدم ما يدل على ذلك هنا، وفي النفاس وفي المصاهرة. وتقدم ما ظاهره المنافاة، وذكرنا وجهه.

I (Hurr Amili) say: What indicates this has already been mentioned here, and in the chapter on postnatal bleeding, and in the chapter on marriage relationships. What appears to contradict this has also been mentioned previously, and we have explained its interpretation.

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CHAPTER 50

When A Female Slave Is Freed During A Revocable Waiting Period, She Begins Anew The Waiting Period Of A Free Woman, And If She Is Freed During An Irrevocable Waiting Period, She Completes The Waiting Period Of A Slave

[Hadith 28575 to 28578]

Hadith 28575

عن هشام بن سالم، عن أبي عبدالله (عليه السلام) في أمة طلقت، ثمّ اعتقت قبل أن تنقضي عدّتها، قال: تعتد بثلاث حيض، فإن مات عنها زوجها، ثمّ اعتقت قبل أن تنقضي عدتها، فإن عدتها أربعة أشهر وعشر.

From Hisham ibn Salim, from Abu Abdullah (peace be upon him) regarding a female slave who was divorced, then freed before her waiting period ended. He said: She observes a waiting period of three menstrual cycles. If her husband died and then she was freed before her waiting period ended, then her waiting period is four months and ten days.

Hadith 28576

عن أبي أيوب الخزاز، عن مرازم، عن أبي عبدالله (عليه السلام) في أمة تحت حر طلقها على طهر بغير جماع تطليقة، ثمّ اعتقت بعد ما طلقها بثلاثين يوما ولم تنقض عدتها،

From Abu Ayyub al-Khazzaz, from Murazim, from Abu Abdullah (peace be upon him) regarding a female slave married to a free man who divorced her during a state of purity without intercourse with one divorce, then she was freed thirty days after he divorced her while her waiting period had not yet ended.

فقال: إذا اعتقت قبل أن تنقضي عدتها اعتدت عدة الحرة من اليوم الذي طلقها، وله عليها الرجعة قبل انقضاء العدة، فان طلقها تطليقتين واحدة بعد واحدة ثمّ اعتقت قبل انقضاء عدتها فلا رجعة له عليها وعدتها عدة الامة.

He said: When she is freed before her waiting period ends, she observes the waiting period of a free woman from the day he divorced her, and he has the right of return over her before the waiting period ends. But if he divorced her twice, one after the other, then she was freed before her waiting period ended, then he has no right of return over her and her waiting period is that of a slave.

Hadith 28577

عن جميل، عن أبي عبدالله (عليه السلام) في أمة كانت تحت رجل فطلقها، ثمّ اعتقت، قال: تعتد عدة الحرة.

From Jameel, from Abu Abdullah (peace be upon him) regarding a slave woman who was married to a man and he divorced her, then she was freed. He said: She observes the waiting period of a free woman.

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أقول: هذا مخصوص بالعدة الرجعيّة ؛ لمّا مرّ، ذكره الشيخ.

I (Hurr Amili) say: This is specific to the revocable waiting period, as has passed. The Shaykh mentioned this.

Hadith 28578

عن محمّد بن مسلم عن أبي جعفر (عليه السلام)، قال: إذا طلق الحر المملوكة فاعتدت بعض عدتها منه ثمّ اعتقت، فانّها تعتدّ عدة المملوكة.

From Muhammad ibn Muslim from Abu Ja'far (peace be upon him), he said: When a free man divorces a slave woman and she observes part of her waiting period from him, then she is freed, she observes the waiting period of a slave woman.

أقول: هذا مخصوص بالعدة البائنة ؛ لما مرّ، ذكره الشيخ وغيره.

I (Hurr Amili) say: This is specific to the irrevocable waiting period, as has passed. The Shaykh and others mentioned this.

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CHAPTER 51

The Waiting Period (Iddah) Of A Mudabbarah Who Has Been Approached Intimately Is Four Months And Ten Days From The Death Of Her Master

[Hadith 28579 to 28579]

Hadith 28579

عن داود الرقيّ، عن أبي عبدالله (عليه السلام) في المدبرة إذا مات عنها مولاها، أنّ عدتها أربعة أشهر وعشرا من يوم يموت سيّدها، إذا كان سيّدها يطؤها. الحديث.

From Dawud al-Raqqi, from Abu Abdullah (peace be upon him) regarding the mudabbarah (*) when her master dies, that her waiting period is four months and ten days from the day her master dies, if her master used to have intimate relations with her.

ورواه الكليني عن محمّد ابن يحيى، عن أحمد بن محمّد، عن ابن محبوب. أقول: وتقدم ما يدل على ذلك عموما.

The hadith. Al-Kulayni also narrated it from Muhammad ibn Yahya, from Ahmad ibn Muhammad, from Ibn Mahbub. I (Hurr Amili) say: What has preceded indicates this in general terms.

Translator: * A female slave whose master has promised to free her upon his death.

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CHAPTER 52

The Waiting Period For A Temporary Wife When The Husband Dies During The Contract Period Is Four Months And Ten Days, Whether She Is Free Or Slave, And Likewise For A Woman Who Was Intimate Through Ownership, And Mourning Is Specifically Upon The Free Woman

[Hadith 28580 to 28583]

Hadith 28580

عن عبد الرحمن بن الحجّاج، قال: سألت أبا عبدالله (عليه السلام) عن المرأة يتزوجها الرجل متعة، ثمّ يتوفى عنها زوجها، هل عليها العدة؟ فقال: تعتد أربعه أشهر وعشراً، فاذا انقضت أيامها وهو حي فحيضة ونصف، مثل ما يجب على الامة.

From Abd al-Rahman ibn al-Hajjaj, he said: I asked Abu Abdullah (peace be upon him) about a woman whom a man marries in temporary marriage, then her husband dies. Is there a waiting period upon her? He said: She observes a waiting period of four months and ten days. If her specified days expire while he is alive, then it is one and a half menstrual cycles, like what is required of a slave woman.

قلت: فتحد؟ قال: فقال: نعم، إذا مكثت عنده إياما فعليها العدة وتحد، وإذا كانت عنده يوماً، أو يومين أو ساعة من النهار فقد وجبت العدة كملا، ولا تحد.

I said: Does she mourn? He said: Yes, if she stayed with him for days, then she has the waiting period and mourns. If she was with him for one day, or two days, or an hour of the day, then the complete waiting period is required, but she does not mourn.

Hadith 28581

عن زرارة، قال: سألت أبا جعفر (عليه السلام) ما عدة المتعة إذا مات عنها الذي تمتع بها؟ قال: أربعة أشهر وعشر، قال: ثمّ قال: يا زرارة، كلّ النكاح إذا مات الزوج فعلى المرأة حرة كانت، أو أمة و على أي وجه كان النكاح منه متعة أو تزويجاً، أو ملك يمين فالعدة أربعة أشهر وعشرا، وعدة المطلقة ثلاثة أشهر، والأمة المطلقة عليها نصف ما على الحرة، وكذلك المتعة عليها مثل ما على الامة.

From Zurarah, he said: I asked Abu Ja'far (peace be upon him): What is the waiting period for a temporary wife when the one who engaged in temporary marriage with her dies? He said: Four months and ten days. Then he said: O Zurarah, in all marriages when the husband dies, upon the woman - whether she is free or slave, and in whatever form the marriage was, whether temporary marriage, regular marriage, or ownership - the waiting period is four months and ten days. The waiting period of a divorced woman is three months, and a divorced slave woman has half of what is upon the free woman, and likewise the temporary wife has the same as what is upon the slave woman.

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Hadith 28582

عن علي بن يقطين، عن أبي الحسن (عليه السلام)، قال: عدة المرأة إذا تمتع بها فمات عنها خمسة وأربعون يوما.

From Ali ibn Yaqtin, from Abu al-Hasan (peace be upon him), who said: The waiting period (iddah) of a woman when one has temporary marriage with her and then dies, leaving her behind, is forty-five days.

أقول: هذا محمول على موت الزوج في العدّة، لا في المدّة ؛ لما تقدم.

I (Hurr Amili) say: This is interpreted as applying to the death of the husband during the waiting period, not during the duration of the marriage, based on what has preceded.

Hadith 28583

عن علي بن عبيد الله عن أبي عبدالله (عليه السلام)، قال: سألته عن رجل تزوج امرأة متعة، ثمّ مات عنها، ما عدتها؟ قال: خمسة وستون يوما.

From Ali ibn Ubaydullah, from Abu Abdullah (peace be upon him), who said: I asked him about a man who married a woman in temporary marriage, then died, leaving her behind - what is her waiting period? He said: Sixty-five days.

أقول: حمله الشيخ على الامة بناء على ما تقدم من حكمه، أنّ عدّتها نصف عدة الحرة في الوفاة إذا لم تكن ام ولد، وقد عرفت كثرة المعارضات له ومخالفته للاحتياط، فالأقرب حمله على التقية، وقد تقدم ما يدل على ذلك عموما وخصوصا.

I (Hurr Amili) say: The Shaykh interpreted this as referring to a slave woman, based on what preceded regarding his ruling that her waiting period is half that of a free woman in case of death if she is not an umm walad (mother of a child). You have seen the numerous contradictions to this and its opposition to precaution, so it is more appropriate to interpret it as taqiyyah (precautionary dissimulation), and what indicates this generally and specifically has already been mentioned.

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CHAPTER 53

The Waiting Period (Iddah) Of The Temporary Wife When The Term Expires Is Two Menstrual Cycles, And If She Does Not Menstruate While Being Of An Age When Women Menstruate, Then It Is Forty-five Days

[Hadith 28584 to 28585]

Hadith 28584

عن أحمد بن محمّد بن أبي نصر، عن أبي الحسن الرضا (عليه السلام)، قال: قال أبو جعفر (عليه السلام): عدة المتمتعة خمسة وأربعون يوما، والاحتياط خمسة وأربعون ليلة.

From Ahmad ibn Muhammad ibn Abi Nasr, from Abu al-Hasan al-Rida (peace be upon him), who said: Abu Ja'far (peace be upon him) said: The waiting period of the woman in temporary marriage is forty-five days, and as a precaution, forty-five nights.

Hadith 28585

وقد تقدم حديث زرارة عن أبي جعفر (عليه السلام)، قال: عدة المطلقة ثلاثة أشهر، والامة المطلقة عليها نصف ما على الحرة، وكذلك المتعة عليها مثل ما على الامة.

The hadith of Zurarah from Abu Ja'far (peace be upon him) has already been mentioned, who said: The waiting period of the divorced woman is three months, and the divorced slave woman has half of what the free woman has, and likewise the temporary marriage - she has the same as what the slave woman has.

أقول: وتقدم ما يدل على ذلك في المتعة.

I (Hurr Amili) say: What indicates this regarding temporary marriage has already been mentioned.

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CHAPTER 54

The Obligation Of Istibra (Waiting Period) For A Female Slave Upon Purchase Through One Menstrual Cycle, Similarly Upon Captivity And Upon Sale, And Details Of The Rulings Of Istibra And The Waiting Period For Female Slaves

[Hadith 28586 to 28586]

Hadith 28586

عن زرعة بن محمّد، عن سماعة، قال: سألته عن رجل اشترى جارية، وهي طامث، اتستبرىء رحمها بحيضة اخرى تكفيه هذه الحيضة؟ قال: لا، بل تكفيه هذه الحيضة، فان استبرأها باخرى فلا بأس، هي بمنزلة فضل.

From Zur'ah ibn Muhammad, from Sama'ah, who said: I asked him about a man who bought a female slave while she was menstruating - should her womb be cleared through another menstrual cycle, or does this menstruation suffice for him? He said: No, rather this menstruation suffices for him. If he clears her through another cycle, there is no harm - it is like an additional precaution.

أقول: وتقدم ما يدل على ذلك في نكاح العبيد والاماء، وفي بيع الحيوان.

I (Hurr Amili) say: What indicates this has preceded in the chapter on marriage of male and female slaves, and in the chapter on selling animals.

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CHAPTER 55

The Permissibility Of A Divorced Woman In Her Waiting Period ('Iddah) Leaving Her Home For Need And Necessity, And The Ruling On Indirect And Direct Marriage Proposals To A Woman In Her Waiting Period

[Hadith 28587 to 28587]

Hadith 28587

عن محمّد بن الحسن الصفار، انه كتب إلى أبي محمّد الحسن بن علي (عليهما السلام) في امرأة طلقها زوجها، ولم يجر عليها النفقة للعدّة، وهي محتاجة هل يجوز لها أن تخرج، وتبيت عن منزلها للعمل أو الحاجة؟ فوقع (عليه السلام): لا بأس بذلك، إذا علم الله الصحة منها.

From Muhammad ibn al-Hasan al-Saffar that he wrote to Abu Muhammad al-Hasan ibn Ali (peace be upon both of them) regarding a woman whose husband divorced her and did not provide her with maintenance during her waiting period, and she was in need. Is it permissible for her to go out and spend the night away from her home for work or due to necessity? He (peace be upon him) replied: There is no harm in that, if Allah knows the truthfulness from her.

أقول: وتقدم ما يدل على الحكم الثاني في المصاهرة.

I (Hurr Amili) say: What indicates the second ruling regarding marriage relationships has been mentioned previously in the chapter on marriage relationships.

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